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Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:

Irish potatoes grown in Colorado; decision with respect to proposed amendments to marketing agreement and order..... 4815

RULES AND REGULATIONS:

Fresh Bartlett pears, plums, and Elberta peaches grown in California; regulation by grade and size (2 documents)..... 4801, 4802

Milk in certain marketing areas; orders affecting certain provisions:

Memphis, Tennessee..... 4801
Michigan Upper Peninsula..... 4803
Northeastern Wisconsin..... 4803

Agriculture Department

See also Agricultural Marketing Service; Farmers Home Administration.

NOTICES:

Arkansas; designation of area for production emergency loans.... 4840

Army Department

RULES AND REGULATIONS:

Unofficial research of Army Department files in record centers.. 4800

Civil Aeronautics Board

NOTICES:

Wheeling-New York nonstop; notice of oral argument..... 4834

Customs Bureau

NOTICES:

Millfeed shorts from Cuba; foreign market value; exporter's sales price..... 4834

Defense Department

See also Army Department.

RULES AND REGULATIONS:

Armed Service Procurement Regulations; miscellaneous amendments..... 4790

Farmers Home Administration

RULES AND REGULATIONS:

Soil and water conservation accounts; payment in full..... 4789

Federal Aviation Agency

PROPOSED RULE MAKING:

Control area extension; modification..... 4831
Control zone; modification..... 4831
Restricted area; modification.... 4832

RULES AND REGULATIONS:

Airworthiness directive; Fairchild F-27 Series Aircraft..... 4803
Control area extension; modification..... 4804

Federal Communications Commission

NOTICES:

Hearings, etc.:

Alexandria Broadcasting Corp. (KXRA) et al..... 4834
American Telephone and Telegraph Co. (2 documents)..... 4834, 4835
Hirsch Broadcasting Co. (KFVS) et al..... 4835
Hub City Broadcasting Co., Inc. (WHSY) et al..... 4835
Idaho Microwave, Inc..... 4835
Ionia Broadcasting Co. (WION)..... 4835
Lochirico, Vito..... 4836
National Ambulance and Oxygen Service, Inc..... 4836
Pioneer Broadcasting Corp. (WOPI) et al..... 4836
Suburban Broadcasting Co., Inc., and Camden Broadcasting Co..... 4836
Talesin Broadcasting Co. and Douglas G. Oviatt and Son, Inc..... 4836
Voice of the New South, Inc. (WNSL) and Mid-America Broadcasting Co., Inc. (WGVM)..... 4836
WDUL Television Corp. (WHYZ-TV)..... 4837
Washington State University and First Presbyterian Church of Seattle, Wash..... 4836

Federal Power Commission

NOTICES:

Eden Ridge Hydroelectric Project and Pacific Power and Light Co.; notice of land withdrawal, Oregon..... 4834

Interior Department

See Land Management Bureau; National Park Service.

Interstate Commerce Commission

NOTICES:

Motor carrier transfer proceedings..... 4837
Petition for institution of investigation and other relief..... 4837
Reading Co.; rerouting of traffic.. 4837

Labor Department

See Wage and Hour Division.

Land Management Bureau

NOTICES:

Alaska:

Copper River Meridian; small tract opening..... 4838
Nenana townsite; notice of sale.. 4839
Small tract classification amendments (2 documents)..... 4839

RULES AND REGULATIONS:

Oil and gas leases; required forms of remittances to accompany simultaneous offers..... 4808

Public land orders:

Alaska (2 documents)..... 4813
California (6 documents)..... 4808, 4810, 4811, 4813
Idaho..... 4809
Montana..... 4814
Nevada..... 4811
South Dakota..... 4808
Washington (2 documents)..... 4809, 4813
Wyoming..... 4812

National Park Service

RULES AND REGULATIONS:

Glacier National Park, Montana; recreational water use..... 4804

(Continued on next page)

Renegotiation Board**RULES AND REGULATIONS:**

Application for commercial exemption; mandatory exemption of contracts and subcontracts for standard commercial articles or services.....	4801
Contracts not having a direct and immediate connection with national defense; mandatory exemptions from renegotiation....	4801
Contribution to defense effort; principles and factors in determining profits.....	4801
Letter form of request by related group; consolidated renegotiation of affiliated groups and related groups.....	4801

Prime contracts and subcontracts to be performed outside the United States; permissive exemptions from renegotiation... 4801

Securities and Exchange Commission**NOTICES:****Hearings, etc.:**

Deadly Game Co.....	4838
Skiatron Electronics and Television Corp.....	4838

Small Business Administration**PROPOSED RULE MAKING:**

Trucking and warehousing industry; small business size standards.....	4832
---	------

Treasury Department

See Customs Bureau.

Veterans Administration**RULES AND REGULATIONS:**

Appeals from decisions of contracting officers under construction and related contracts.....	4804
Construction Contract Appeals Board; delegations of authority..	4808

Wage and Hour Division**NOTICES:**

Learner employment certificates; issuance to various industries...	4840
--	------

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR	14 CFR	38 CFR
EXECUTIVE ORDERS:	507.....	1.....
Apr. 11, 1916 (revoked by PLO 2104).....	601.....	2.....
Sept. 5, 1916 (revoked by PLO 2104).....	PROPOSED RULES:	
Apr. 17, 1926 (revoked in part by PLO 2109).....	601 (2 documents).....	43 CFR
2242 (modified by PLO 2108)....	608.....	192.....
	32 CFR	PUBLIC LAND ORDERS:
6 CFR	1.....	833 (corrected by PLO 2107)....
366.....	3.....	1550 (corrected by PLO 2107)....
	4.....	1989 (corrected by PLO 2106)....
7 CFR	6.....	2045 (corrected by PLO 2107)....
918.....	7.....	2048 (corrected by PLO 2107)....
936 (2 documents).....	10.....	2095.....
1011.....	12.....	2096.....
1016.....	13.....	2097.....
PROPOSED RULES:	16.....	2098.....
958.....	30.....	2099.....
	518.....	2100.....
13 CFR	1453.....	2101.....
PROPOSED RULES:	1455.....	2102.....
121.....	1460.....	2103.....
	1464.....	2104.....
	1467.....	2105.....
	36 CFR	2106.....
	7.....	2107.....
		2108.....
		2109.....



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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.8]

PART 366—PAYMENT-IN-FULL

Subpart B—Soil and Water Conservation Accounts

Subpart B, Part 366, Title 6, Code of Federal Regulations (23 F.R. 333, 24 F.R. 1675) is revised to read as follows:

Sec.

366.21 General.

366.22 Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing by new lender and sale of farm.

366.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.

366.24 Payment in full of all direct Soil and Water Conservation loans except loans coded J.

AUTHORITY: §§ 366.21 to 366.24 issued under secs. 2, 5, 6, 50 Stat. 869, as amended, 870, secs. 9, 10, 68 Stat. 735; 16 U.S.C. 590s, 590v, 590w, 590x-2, 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188; §§ 366.21 to 366.23 also issued under sec. 11, 72 Stat. 841; 16 U.S.C. 590x-4.

§ 366.21 General.

This subpart prescribes the authorities, policies, and procedures for processing final payment on insured and direct Soil and Water Conservation loans except that payments on Soil and Water Conservation loans coded J will be handled in accordance with §§ 361.7(d), 371.12 (a), (b), (c), and 371.14 (b) and (c) of this chapter.

(a) **Authority.** The County Supervisor is authorized to accept final payment on a Soil and Water Conservation loan and to execute the necessary satisfaction or release in connection with the indebtedness.

(1) Form FHA-77, "Satisfaction," may be used to execute satisfactions or releases when permitted by State law. If Form FHA-77 is not satisfactory, the State Director may authorize the use of another form.

(2) If State law requires recording or filing of the satisfaction or release by the mortgagee, any recording cost required to be paid by the Government will be paid by voucher.

(b) **Escrow arrangements.** Escrow arrangements may be used provided the escrow agent is properly bonded. No escrow arrangements will be initiated by the Farmers Home Administration and no part of the expense for an escrow arrangement will be paid by the Government.

(c) **Loan insurance charges for loans evidenced by promissory note forms in the FHA-520 series or FHA-965 series.** In all cases of final payment of an insured loan evidenced by Forms FHA-520, FHA-520A, FHA-965, FHA-965A, FHA-965B, or FHA-965C, when the borrower has had use of all or any part of the loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of January 1 preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment of the note account is accomplished by the lender's exchanging the insured note for a noninsured note without funds being paid to the Farmers Home Administration, the date the insured loan is refinanced will be considered to be the date final payment is made on the note account.

(d) **Loan funds refunded in full after loan closing.** If an insured loan borrower decides to refund in full his Soil and Water Conservation loan, he will be required to pay interest on the note account from the date of loan closing to the date the U.S. Treasury check is remitted to the lender. However, for a loan held by the insurance fund, the borrower will be required to pay interest on the note account from the date of loan closing to the date of the receipt for the refund. In case the loan is evidenced by a Form FHA-520 or FHA-965 series note, the borrower will be required to pay a loan insurance charge from the date of loan closing to the date the U.S. Treasury check is remitted to the lender. In the event the borrower has prepaid the loan insurance charge, any overpayment will be refunded to the borrower by the Finance Office unless the borrower is indebted on another account, in which case the overpayment will be applied to the unpaid account.

(e) **Return of funds in supervised bank account.** Prior to final payment, any Soil and Water Conservation funds remaining in the borrower's supervised bank account will be withdrawn and remitted to the Finance Office for application on the borrower's note account as a refund.

§ 366.22 Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing by new lender and sale of farm.

This section applies to all cases where final payment of the insured loan indebtedness is to be derived from the borrower's funds, refinancing with a new

lender, and the sale of the farm. The County Supervisor will collect from the borrower any amount owed the loan insurance account, the annual charge for notes on Form FHA-218 or FHA-252, and the balance of the principal and interest owed on the note account and remit the collection to the Finance Office. Since the Farmers Home Administration is the collection agent for the holder, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(a) **Finance Office action.**—(1) **Adjustment of records.** Upon receipt of the collection in the Finance Office, if the collection pays the account in full, the Director, Finance Office, will take the appropriate action to close the account.

(2) **Notice to holder.** The Finance Office will forward an original and one copy of Form FHA-993A, "Notice and Acknowledgment of Final Payment," to the holder for execution and return of the original to the appropriate County Supervisor.

(b) **County Office action.** Upon receipt from the holder of the canceled promissory note and the original of the completed Form FHA-993A, an instrument of satisfaction or release prepared by the County Supervisor, if needed, will be delivered to the borrower, new mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied mortgage will be delivered to the borrower. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower also will be transferred to the borrower. Any assignments to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment agreement. The County Supervisor will make proper disposition of any property insurance as prescribed in Part 306 of this chapter. The County Office records will be adjusted to show a paid-in-full account.

§ 366.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.

This section applies when final payment of an insured Soil and Water Conservation loan is to be made by refinancing by the holder of the insured note on a noninsured basis. Final payment of the note account may be accomplished by exchanging a noninsured note of the insured promissory note.

(a) **Collection of loan insurance account and annual charge.** The County Supervisor will collect from the borrower any amount owed the loan insurance ac-

count and the annual charge, if any. If Form FHA-835, "Certified Statement of Account," shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment. Also, if the loan is evidenced by Form FHA-218 or FHA-252, the County Supervisor will compute the annual charge to the date he receives payment. He will remit the funds collected to the Finance Office.

(b) *Preparation of Form FHA-993, "Notice of Receipt of Final Payment of Insured Loan."* The County Supervisor will complete Form FHA-993 with respect to the borrower, the amount of loan, and the date of the note or bond and will forward the original and two copies to the holder. The County Supervisor will inform the holder of the outstanding balance of principal and interest due him on the insured note account and the daily rate of accrual of such interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA-993, and return to the County Supervisor the executed original and copy of Form FHA-993, together with the canceled promissory note.

(c) *Finance Office action.* Upon receipt of the executed original and copy of Form FHA-993 from the County Office, the Finance Office will determine if the full amount owed the loan insurance account, and the annual charge for notes on Form FHA-218 or FHA-252 have been paid, and, if paid, the Director, Finance Office, will sign Form FHA-993 and forward an executed copy to the County Supervisor. Finance Office records will be satisfied as a paid-in-full account.

(d) *County Office action.* Upon receipt of the completed copy of Form FHA-993 from the Finance Office, an instrument of satisfaction or release prepared by the County Supervisor, unless otherwise provided by instructions of the State Director, will be delivered to the lender or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower will be transferred to the borrower. Any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. Property insurance will be canceled in accordance with Part 306 of this chapter. The County Office records will be adjusted to show a paid-in-full account.

§ 366.24 Payment in full of all direct Soil and Water Conservation loans except loans coded J.

Upon receipt of final payment on such loans, the County Supervisor will trans-

mit the final payment to the Finance Office with a request for the return of the promissory note for delivery to the borrower; however, if circumstances require delivery of the note at the time final payment is received by the County Supervisor, he will request the Finance Office to forward the note prior to the time of final payment.

(a) *Delivery of documents after note stamped "paid-in-full" is received from the Finance Office.* The Finance Office will forward to the County Office the note stamped with a paid-in-full legend, provided the final payment as received from the borrower was in the form of currency and coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company. If the final payment was in the form of an uncertified check drawn on a personal account, the note will be held in the Finance Office for 10 days after the remittance has been deposited in the Deposit Fund Account before being forwarded to the County Office. Upon receipt of the note, the County Supervisor will deliver the stamped note, any property insurance policies, and the original mortgage to the borrower. Any water stock certificates held by the Farmers Home Administration that are the property of the borrower will be transferred to the borrower. Also, any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. For all real estate loans, and when required for notes secured by chattel property, the satisfaction or release will be executed and delivered in accordance with the instructions of the State Director.

(b) *Delivery of documents at the time final payment is made.* If the circumstances require delivery of the promissory note and the satisfaction of the mortgage at the time final payment is made, upon receipt of the note from the Finance Office, the County Supervisor will prepare the satisfaction or release unless otherwise provided by instructions of the State Director. The County Supervisor will mark the original note with a paid-in-full legend and deliver the original note, the original satisfaction or release, any property insurance policies, and the original mortgage to the borrower only upon receipt of full payment of the unpaid balance of principal and interest computed as of the date final payment is received, and only when such payment is made in the form of currency and coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order, or a check issued by a responsible lending institution, or a responsible title insurance or title and trust company. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower will be transferred to him. Also any assignment to the Farmers Home Administration of in-

come from the property being released will be terminated as provided in the assignment form. If full payment is not received, or any other requirements prerequisite to the delivery of the note, the satisfaction, and other instruments are not met, the County Supervisor will return the original note to the Finance Office with the proper explanation and will destroy all copies of the satisfaction or release.

Dated: May 23, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-4893; Filed, May 31, 1960;
8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

PART 1—GENERAL PROVISIONS

PART 3—PROCUREMENT BY NEGOTIATION

PART 4—COORDINATED PROCUREMENT

PART 6—FOREIGN PURCHASES

PART 7—CONTRACT CLAUSES AND FORMS

PART 10—BONDS AND INSURANCE

PART 12—LABOR

PART 13—GOVERNMENT PROPERTY

PART 16—PROCUREMENT FORMS

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULA- TIONS

Miscellaneous Amendments

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Supply and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. Revise §§ 1.315, 1.315-1, and 1.315-2, and add new §§ 1.315-3, 1.315-4 and 1.318, as follows:

§ 1.315 Time of delivery or performance.

§ 1.315-1 Scope.

Sections 1.315—1.315-4 prescribe policy and procedure regarding requirements as to time of delivery or performance of contracts for supplies or services, excluding construction.

§ 1.315-2 General.

(a) The time of delivery or performance is an essential element for inclusion

in a contract and must be clearly set forth in invitations for bids and requests for proposals. Delivery and performance schedules shall be designed to meet the requirements of the particular procurement, with due regard to all relevant factors, and must be realistic. Delivery and performance schedules which are unreasonably tight or difficult of attainment are inimical to full competition, inconsistent with small business policies (see § 1.702(b)(3)), and may result in higher contract prices. Therefore, prior to issuing an invitation for bids or request for proposals, the contracting officer shall question any delivery requirement which appears unrealistic, and, if necessary, initiate action to make appropriate adjustments, with due attention to relevant factors such as applicable transportation factors (see § 1.306), and those listed below:

(1) Urgency of need for the supplies or services;

(2) Production time (quantity, complexity of design, etc.);

(3) Market conditions;

(4) Transportation time;

(5) Industry practices;

(6) Capabilities of small business concerns;

(7) Time for obtaining and evaluating bids or offers, and awarding contracts.

(8) Time for contractors to comply with any conditions precedent to contract performance; and

(9) Time for Government to perform its obligations under the contract (e.g., furnishing Government property to the contractor, approval of preproduction samples, and inspection).

(b) Where timely delivery or performance is unusually important to the Government, liquidated damages provisions may be used as provided in § 1.313.

(c) Invitations for bids and requests for proposals shall, except where clearly unnecessary, inform bidders or offerors of the basis on which their bids or proposals will be evaluated with respect to time of delivery or performance.

§ 1.315-3 Terms.

(a) Delivery schedules may be expressed in terms of:

(1) Specific calendar dates (e.g., on or before July 1, 1960);

(2) Specified periods from date of contract (i.e., date of award or acceptance by the Government, or date shown on contract document as effective date of contract); or

(3) Specified periods from date of receipt by contractor of notice of award or acceptance by the Government (including notice by receipt of contract document executed by the Government).

The full period which the Government holds out as being available for contract performance should not be curtailed to the prejudice of the contractor by delay in giving notice of award. Accordingly, one of the provisions in paragraph (b) or (c) of this section shall be used in advertised procurements and may be suitably modified and used in appropriate negotiated procurements (other than small purchases).

(b) Where the delivery schedule is in terms of specific calendar dates, invita-

tions for bids will include one of the following provisions:

(1) The foregoing delivery requirements are based on the assumption that the Government will make award by [purchasing activity insert calendar date]. Each delivery date in the delivery schedule set forth herein will be extended by the number of calendar days after the above date that the contract is in fact awarded. Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids, which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Therefore, in computing the available time for performance, the bidder should take into consideration the time required for notice of award to arrive through the ordinary mails.

(2) The foregoing delivery requirements are based on the assumption that the successful bidder will receive the notice of award by [purchasing activity insert calendar date]. The Government will extend each delivery date in the delivery schedule set forth herein by the number of calendar days after the above date that the contractor receives notice of award; provided, that the contractor promptly acknowledges such receipt.

(c) Where the delivery schedule is based on the date of contract (see paragraph (a)(2) of this section), the invitations for bids will include the following provision:

Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Any award hereunder, or a preliminary notice thereof, will be mailed or otherwise furnished to the bidder the day the award is dated. Therefore, in computing the time available for performance, the bidder should take into consideration the time required for the notice of award to arrive through the ordinary mails. However, a bid offering delivery based on date of receipt by the contractor of the contract or notice of award (rather than the contract date) will be evaluated by adding the maximum number of days normally required for delivery of the award through the ordinary mails. If, as so computed, the delivery date offered is later than the delivery date required in the invitation, the bid will be considered nonresponsive and rejected.

(d) Where the delivery schedule is based on the date of the contract (see paragraphs (a)(2) and (c) of this section), the contract, notice of award, acceptance of proposal, or other contract document executed by the Government shall be mailed or otherwise furnished to the contractor on the day it is dated.

(e) Where the delivery schedule is based on date of receipt by the contractor of notice of award (see paragraph (a)(3) of this section), or where it is expressed in terms of specific calendar dates on the assumption that notice of award will be received by a specified date (see paragraph (b)(2) of this section), the notice of award, acceptance of proposal, or other contract document executed by the Government shall be sent by certified mail, return receipt requested, or shall be accompanied by a date of receipt acknowledgment card in accordance with Departmental procedures.

(f) When the required delivery schedule in the invitation for bids is based on the date of the contract (see para-

graph (a)(2) of this section), a bid offering delivery based on date of receipt by the contractor of the contract or notice of award (see paragraph (a)(3) of this section):

(1) Shall be evaluated by adding the maximum number of days normally required for delivery of the award through the ordinary mails; and

(2) If the delivery date offered by the bid (computed in accordance with subparagraph (1) of this paragraph is later than the delivery date required in the invitation for bids, the bid shall be considered nonresponsive and rejected; but

(3) If award is made under subparagraph (1) of this paragraph, under the terms of the contract the delivery date will be the number of days, after actual receipt by the contractor of the notice of award, which were specified in the bid.

§ 1.315-4 Time of delivery clauses.

(a) Examples of time of delivery clauses for invitations for bids are set forth below. They may be modified or other clauses may be used to state particular delivery requirements or any special procedures to be used in the evaluation, rejection or award process as regards time of delivery. These clauses also may be suitably modified for use in negotiated procurements where appropriate.

(b) The following clause may be used where delivery by a particular time is necessary to meet the Government's requirements:

TIME OF DELIVERY

Delivery is REQUIRED to be made in accordance with the following schedule:

Item No.	Quantity	Time [*]
-----	-----	-----
-----	-----	-----
-----	-----	-----

Bids offering delivery of each quantity within the applicable delivery period specified above will be evaluated equally as regards time of delivery. Bids offering delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable delivery period specified above will be considered nonresponsive and will be rejected. Where a bidder offers an earlier delivery schedule than that called for above, the Government reserves the right to award either in accordance with the REQUIRED schedule or in accordance with the schedule offered by the bidder. If the bidder offers no other delivery schedule, the delivery schedule stated above shall apply.

BIDDER'S PROPOSED DELIVERY SCHEDULE

(To be completed by bidder)

Item No.	Quantity	Time [*]
-----	-----	-----
-----	-----	-----
-----	-----	-----

*Contracting officer shall insert the appropriate one of the following phrases, in both of the indicated spaces:

1. "[On] (on or before) the date(s) specified below."

2. "Within the number of days stated below after date of contract."

3. "Within the number of days stated below after the date of receipt of a written notice of award."

4. "Within the periods specified below." (Note: When this phrase is inserted, the wording "during month(s) of -----" or "not sooner than ----- and not later than -----" should be used to specify the periods.)

(c) The following clause may be used where delivery by a certain time is desired, but not essential, and delivery by a specified later time is necessary to meet the Government's requirements.

TIME OF DELIVERY

Delivery is DESIRED by the Government in accordance with the following schedule:

Item No.	Quantity	Time [*]
-----	-----	-----
-----	-----	-----

If the bidder is unable to meet the above delivery schedule, he may, without prejudice to the evaluation of his bid, set forth his Proposed Delivery Schedule below; but such delivery schedule must not extend the delivery period beyond the time for delivery called for in the following REQUIRED delivery schedule set forth below:

REQUIRED DELIVERY SCHEDULE

Item No.	Quantity	Time [*]
-----	-----	-----
-----	-----	-----

Bids offering delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable REQUIRED delivery period specified above will be considered nonresponsive and will be rejected.

If the bidder does not propose a different delivery schedule, the Government's DESIRED delivery schedule shall apply.

BIDDER'S PROPOSED DELIVERY SCHEDULE

(To be completed by bidder)

Item No.	Quantity	Time [*]
-----	-----	-----
-----	-----	-----

*Phrases for insertion as indicated above:

1. "[On] (on or before) the date(s) specified below."
2. "Within the number of days stated below after date of contract."
3. "Within the number of days stated below after the date of receipt of a written notice of award."
4. "Within the periods specified below." (NOTE: When this phrase is inserted, the wording "during the month(s) of -----" or "not sooner than ----- and not later than -----" should be used to specify the periods.)

§ 1.318 Procurement of parts.

(a) Parts for replenishment of stock, repair, or replacement, must be procured so as to assure the requisite safe, dependable, and effective operation of the equipment. Where it is feasible to do so without impairing this assurance, parts should be procured on a competitive basis, as in the kind of cases described in paragraph (b) of this section. However, where this assurance can be had only if the parts are procured from the original manufacturer of the equipment or his supplier, the procurement should be restricted accordingly, as in the kind of cases described in paragraph (c) of this section.

(b) Parts that are fully identified and can be obtained from a number of known sources, and parts for which fully adequate manufacturing drawings and any other needed data are available (or can be made available in keeping with the policies in Subpart B, Part 9 of this title), are to be procured on a competitive basis. In general, such parts are of a standard

design configuration or have commercial equivalents. They include individual items that are susceptible of separate procurement, such as resistors, transformers, generators, spark plugs, or electron tubes.

(c) Parts not within the scope of paragraph (b) of this section generally should be procured (either directly or indirectly) only from sources that have satisfactorily manufactured or furnished such parts in the past, unless fully adequate data (including any necessary proprietary data), test results, and quality assurance procedures, are available (or can reasonably be made available in keeping with the policies in Subpart B, Part 9 of this title) to assure the requisite reliability and interchangeability of the parts, and procurement on a competitive basis would be consistent with the assurance described in paragraph (a) of this section. In assessing this assurance, the nature and function of the equipment for which the part is needed should be considered. To illustrate, acceptable tolerances for a commercial television part may be far less stringent than those for a comparable military radar part, permitting competitive procurement of the former but not of the latter. The exacting performance requirements of specially designed military equipment generally demand that parts be closely controlled and have proven capabilities of precise integration with the system in which they operate, to a degree that precludes the use of even apparently identical parts from new sources, since the functioning of the whole may depend on latent characteristics of each part which are not definitely known.

2. In § 1.706-6, revise paragraph (e); in § 1.804-2, revise paragraph (d); and in § 1.1003-1, revise paragraph (q), as follows:

§ 1.706-6 Partial set-asides.

(e) After all awards have been made on the non-set-aside portion, procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted with such small business concerns in the order of their bids or proposals on the non-set-aside portion, beginning with the lowest responsive bid or proposal as indicated in the foregoing notice. Where equal low bids are received on the non-set-aside portion from concerns which are eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 2.407-6 of this subchapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion will be awarded at the highest unit price awarded for the non-set-aside portion.

§ 1.804-2 Set-aside procedures.

(d) After all awards have been made on the non-set-aside portion, procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiation shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted in the order of priority indicated in the foregoing notices. Where equal low bids are received on the non-set-aside portion from concerns which are eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 2.407-6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion shall be awarded at the highest unit price awarded for the non-set-aside portion. If the entire set-aside portion cannot be awarded by the method described herein, any unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with existing regulations (see § 3.201-2(b)(1) of this chapter).

§ 1.1003-1 General.

(q) Procurement of parts for military equipment to be used for replenishment of stock, repair, or replacement, which are not to be procured from sources that have satisfactorily manufactured or furnished such parts in the past, pursuant to § 1.318 of this Part.

3. Revise § 3.101(d); add subparagraph (6) to § 3.403-3(b); and revise § 3.807-7, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

(d) Consideration of delivery requirements (see §§ 1.306 and 1.315 of this chapter).

§ 3.403-3 Fixed-price contract providing for the redetermination of price.

(b) Types of price redetermination.

(6) *Modified retroactive and prospective price redetermination for follow-on contracts*—(i) *Description*. This clause provides for gearing price redetermination under a follow-on contract to repricing under a preceding contract where both contracts together cover continuing production of similar supplies.

(ii) *Applicability*. This clause is suitable in the case of a follow-on contract which is otherwise suitable for retroactive and prospective price redetermination (with or without further optional prospective price redeterminations) where contract performance is to overlap performance of a preceding contract. It may be used where the preceding contract provides for (a) retroactive and prospective price redeter-

mination at a stated time prior to completion, (b) retroactive and prospective price redetermination including further price redetermination on request, (c) retroactive price redetermination after completion, or (d) fixed-price incentive price revision.

(iii) *Limitation.* This clause shall be used only if the follow-on contract meets the criteria of paragraph (c) or (d) of this section.

§ 3.807-7 Certificate of current pricing data.

Where a certificate of current cost or pricing data is required in accordance with § 3.807-3(a), it shall be in the form set forth below and shall be included in the contract file along with the memorandum of the contract negotiation.

This is to certify, to the best of my knowledge and belief, that in the preparation of the proposal for _____ being (to be) produced under the terms of (contract, proposal, quotation, etc.) No. _____; (i) all actual or estimated costs or pricing data available as of _____ have been considered in preparing the price estimate, and made known to the Contracting Officer or his representative for use in evaluating the estimate, and (ii) any significant changes in the above data which have occurred since the aforementioned date through the _____

(Date)
of _____ also have been made
(Month) (Year)
known in the price negotiations to the Government negotiator.

Name _____
Title _____
Firm _____

Date _____

Note that 18 U.S.C. 1001 prescribes criminal penalties for making false representations to the Government.

4. A new Subpart C is added to Part 4, as follows:

SUBPART C—COMMODITY ASSIGNMENTS

Sec.

4.301 Commodity assignments to Military Departments.

4.301-1 Department of the Army.

4.301-2 Department of the Navy.

4.301-3 Department of the Air Force.

AUTHORITY: §§ 4.301 to 4.301-3 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 4.301 Commodity assignments to Military Departments.

The commodity assignments set forth below have been made by the Assistant Secretary of Defense (Supply and Logistics) to the Military Departments based upon studies made by the Armed Forces Supply Center. General exclusions are:

- (a) Emergency procurements;
- (b) Procurements not in excess of \$2,500 or where only one of an item is to be procured;
- (c) Authorized local purchase items;
- (d) Research and development items;
- (e) Items which require continuous redesign or modification during the production phase; and
- (f) Items excluded from coordinated procurement in accordance with DOD Directives.

Specific exclusions are set forth in the lists.

§ 4.301-1 Department of the Army.

Federal supply class code	Commodity	Content
	ANTI-FREEZE	
6850 P.....	Miscellaneous chemical specialties.....	Includes: Anti-freeze compounds which contain ethylene glycol, only.
	BATTERIES, DRY CELL	
6135 P.....	Batteries, primary.....	Includes: JAN type, dry cell batteries, only.
	MILITARY CHEMICAL WARFARE EQUIPMENT AND SUPPLIES¹	
4230 P.....	Decontaminating and impregnating equipment.....	Includes: Items peculiar to chemical warfare only.
4240 P.....	Safety and rescue equipment.....	Includes: Military respiratory protective equipment for chemical warfare only.
0630 P.....	Chemical analysis instruments.....	Includes: Instruments peculiar to chemical warfare only.
0640 P.....	Laboratory equipment and supplies.....	Includes: Chemical laboratories (assembled outfits) only.
0605 P.....	Hazard-detecting instruments and apparatus.....	Includes: Items peculiar to chemical warfare only.
0810 P.....	Chemicals.....	Includes: Calcium-hypochlorite only.
0820 P.....	Dyes.....	Includes: Items peculiar to chemical warfare only.
0850 P.....	Miscellaneous chemical specialties.....	Includes: Agents decontaminating; and impregnates for military protective clothing for chemical warfare only.
6010 P.....	Training aids.....	Includes: Items peculiar to chemical warfare only.
	CONSTRUCTION AND AGRICULTURAL EQUIPMENT AND TRACTORS	
2410.....	Tractors, full track, low speed.....	
2420.....	Tractors, wheeled.....	
2520 P.....	Vehicular power transmission components.....	Includes: Components peculiar to construction, excavating highway maintenance, agricultural machinery and equipment, and tractors only.
2530 P.....	Vehicular brake, steering, axle, wheel, and track components.....	Includes: Components peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment, and tractors only.
2540 P.....	Vehicular furniture and accessories.....	Includes: Furniture, and accessories peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment, and tractors only.
2590 P.....	Miscellaneous vehicular components.....	Includes: Misc. components peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment only.
3210.....	Sawmill and planning machinery.....	
3695 P.....	Miscellaneous special industry machinery.....	Includes: Specialized logging equipment only.
3710.....	Soil preparation equipment.....	
3720.....	Harvesting equipment.....	
3740.....	Pest, disease, and frost control equipment.....	
3750 P.....	Gardening implements and tools.....	Includes: Garden tractors, walking type only.
3805.....	Earth moving and excavating equipment.....	
3810.....	Cranes and crane-shovels.....	
3815.....	Crane and crane-shovel attachments.....	
3820.....	Mining, rock drilling, earth boring, and related equipment.....	
3825.....	Road clearing and cleaning equipment.....	
3830.....	Truck and tractor attachments.....	
3895.....	Miscellaneous construction equipment.....	
5420.....	Bridges, fixed and floating.....	
5440 P.....	Scaffolding equipment and concrete forms.....	Includes: Concrete forms only.
5680 P.....	Miscellaneous construction materials.....	Includes: Landing mats, landing mat sets, and parts peculiar.
	DRUMS AND CANS	
7240 P.....	Household- and commercial utility containers.....	Includes: 5 gal. metal containers only.
8110 P.....	Drums and cans.....	Includes: 55 gal. 16 gage; and 5 gal. metal drums and cans only.
	ELECTRONIC EQUIPMENT FIRE FIGHTING, WATER PURIFICATION, AND SEWAGE TREATMENT EQUIPMENT²	
4210 P.....	Fire fighting equipment.....	Excludes: Airport crash fire fighting vehicles under DOD procurement assignment to the Air Force.
4610 P.....	Water purification equipment.....	Excludes: Kits, desalter; and stills, water, solar heated, lifesaving which are under DOD procurement assignment to the Navy.
4620 P.....	Water distillation equipment, marine and industrial.....	Excludes: Distilling plants when purchased for use aboard those vessels under DOD procurement assignment to the Navy.
4630.....	Sewage treatment equipment.....	
	FOOD PREPARATION AND SERVING EQUIPMENT³	
7310 P.....	Food cooking, baking, and warming equipment.....	Includes: Covers, steam table inset; covers, steam table pans, insets, steam tables; and pans, steam table.
7330 P.....	Kitchen hand tools and utensils.....	Excludes: Blades, bakers' peel; bottles, insulated; bottles, vacuum; boxes, spice; cases, insulated food container; covers, insulated food container; fillers, vacuum bottle; food containers, insulated; food containers, vacuum, handles, bakers' peel, wood; inserts, insulated food containers; jugs, insulated; jugs, vacuum; liners, baking cup; openers, can, electric; spice boxes; stands, heating, cauteen cup; and tubs, dough mixing.
7340 P.....	Cutlery and flatware.....	Excludes: Plastic and wood cutlery and flatware; knife Boy Scout; knives, hunting; knives, pocket; scissors, embroidery; scissors, ladies'; shears, pinking; and all items of silverware not specifically named among these exclusions.

See footnotes at end of § 4.301-3.

Federal supply class code	Commodity	Content
7350 P	FOOD PREPARATION AND SERVING EQUIPMENT—continued Tableware	Excludes: Brackets, bulkhead, vacuum pitchers; breakers, bread; breakers, bread, metal; breakers, water, metal; breakers, water, wood; caps; breaker, water; carafes, vacuum; coffee servers, vacuum; dispensers, drinking water, portable; fillers, vacuum pitcher; pitchers, vacuum; toothpicks; tubes, drinking; and all items of silverware not specifically named among these exclusions. Includes: Sets, kits, and outfits consisting of food preparation and serving equipment in the FSC Class 7310(P), 7330(P), 7340(P), and 7350(P) under DOD procurement assignment to the Department of the Army.
7360 P	Sets, kits, and outfits, food preparation and serving.	
	LUMBER, MILLWORK, PLYWOOD, AND VENEER	
5430 P	Storage tanks.	Includes: Tanks, wood, storage only.
5450 P	Miscellaneous prefabricated structures.	Includes: Cooling towers, wood; and silos, wood; only.
5510	Lumber and related basic wood materials.	
5520	Millwork.	
5530	Plywood and veneer.	Includes: Pipe, wood only.
5540 P	Pipe and conduit, nonmetallic.	Includes: Shingles, wood only.
5550 P	Roofing and siding materials.	Includes: Fence sections and gates, wood only.
5600 P	Fencing, fences, and gates.	Includes: Coopersage stock and vats wood (containers); only.
8110 P	Drums and cans.	Includes: Box, crate, and package shook only.
8115 P	Boxes, cartons, and crates.	
	MORTUARY EQUIPMENT AND SUPPLIES	
4110 P	Self-contained refrigeration units and accessories.	Includes: Mortuary refrigerators only.
5340 P	Miscellaneous hardware.	Includes: Casket hardware only.
9300	Memorials; cemetery and mortuary equipment and supplies.	
	MOTOR VEHICLES, TRAILERS, AND CYCLES	
2310	Passenger motor vehicles.	Excludes: Tracked landing vehicles, which are not under DOD procurement assignment; and airport crash rescue vehicles, which are under DOD procurement assignment to the Department of the Air Force.
2320 P	Trucks and truck tractors.	Excludes: Trailers, and troop transport trailers, which are under DOD procurement assignment; and airport crash rescue trailer units, which are under DOD procurement assignment to the Department of the Air Force.
2330 P	Trailers	Excludes: Bicycles and tricycles.
2340 P	Motorcycles, motor scooters, bicycles.	Includes: Components peculiar to military motor vehicles only.
2430	Tractors, track laying high speed.	Includes: Components peculiar to military motor vehicles only.
2510 P	Vehicular cab, body, and frame structural components.	Includes: Components peculiar to military motor vehicles only.
2520 P	Vehicular power transmission components.	Includes: Components peculiar to military motor vehicles only.
2530 P	Vehicular brake, steering axles, wheel, and track components.	Includes: Furniture and accessories peculiar to military motor vehicles only.
2540 P	Vehicular furniture and accessories.	Includes: Components peculiar to military motor vehicles only.
2590 P	Miscellaneous vehicular components.	Includes: Components peculiar to military motor vehicles only.
2910 P	Engine fuel system components, non-aircraft.	Includes: Components peculiar to military motor vehicles only.
2930 P	Engine cooling system components, non-aircraft.	Includes: Components peculiar to military motor vehicles only.
2940 P	Engine air and oil filters, strainers, and cleaners, non-aircraft.	Includes: Filters, strainers, and cleaners peculiar to military motor vehicles only.
2990 P	Miscellaneous engine accessories, non-aircraft.	Includes: Accessories peculiar to military motor vehicles only.
	PAPER AND PAPER PRODUCTS	
5070 P	Electrical insulators and insulating materials.	Includes: Insulating paper, electrical only.

See footnotes at end of § 4.301-3.

Federal supply class code	Commodity	Content
	PAPER AND PAPER PRODUCTS—CON.	
8105 P	Bags and sacks.	Includes: Bags, paper, coffee; bags, paper, flour; bags, paper, garment; bags, paper, kraft; bags, paper, shipping; multiwall; bags, paper, waterproof; envelopes, packaging; paper; envelopes, packing list, paper; fiberboard packing list protectors; liners, bag, crepe paper; sacks, paper, shipping, multiwall; only.
8110 P	Drums and cans.	Includes: Chipboard mailing tubes; drums, fiber; drums, fiberboard, overseas type; drum sets, fiber, nested; filling tubes, fiber, tubes, mailing and filling, fiber, only.
8115 P	Boxes, cartons, and crates.	Includes: Baskets, fiber, shipping; boxes, chipboard, folding; boxes, set-up, paperboard; cartons, folding, paperboard; only.
8130 P	Reels and spools.	Includes: Reels, paperboard; and spools, paperboard only.
8135 P	Packaging and packing bulk materials.	Excludes: Paper stocks controlled by the Congressional Joint Committee on Printing.
8340	Toiletary paper articles.	Excludes: Paper stocks controlled by the Congressional Joint Committee on Printing.
9310 P	Paper and paperboard.	Includes: Cigarette paper packaged only.
9920 P	Smokers' articles and matches.	
	RAILWAY EQUIPMENT	
2110	Locomotives.	Excludes: Locomotives cranes which are under DOD procurement assignment to the Department of the Navy, and special types of locomotives used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment.
2220	Rail cars.	
2230 P	Right-of-way construction and maintenance equipment.	
2240	Locomotive and rail car accessories and components.	
2250	Track materials, railroad.	
	TELEPHONE AND TELEGRAPH EQUIPMENT AND COMPONENTS, MILITARY	
5805 P	Telephone and telegraph equipment.	Includes: Military (wire) equipment, field type, only.
5815 P	Teletype and facsimile equipment.	Includes: Military (wire) equipment, field type, only.
5830 P	Intercommunication and public address systems, except airborne.	Includes: Military (wire) equipment, field type, only.
5915 P	Filters and networks.	Includes: Components of military (wire) equipment, field type, only.
5950 P	Coils and transformers.	Includes: Components of military (wire) equipment, field type, only.
5965 P	Headsets, handsets, microphones, and speakers.	Includes: Components of military (wire) equipment, field type, only.
5985 P	Antennae, waveguides, and related equipment.	Includes: Cases, wire dispenser for military (wire) equipment, field type, only.
5995 P	Cable, cord, and wire assemblies: Communication equipment.	Includes: Components of military (wire) equipment, field type, only.
6145 P	Wire and cable, electrical.	Includes: Wire and cable for military (wire) equipment, field type, only.
6625 P	Electrical and electronic properties measuring and testing instruments.	Includes: Instruments for testing military (wire) equipment, field type, only.
6940	Communication training devices.	Includes: Code training sets, code practice equipment, and other telephone and telegraph training devices, only.
8130 P	Reels and spools.	Includes: Reels and spools for military (wire) equipment, field type, only.
	TIME MEASURING INSTRUMENTS	
6645 P	Time measuring instruments.	Includes: All watches; aircraft instrument panel clocks; and spare parts thereof, as follows: aircraft clocks; aircraft panel clocks; athletic timers; cases, carrying, navigational watch; cases, watch, pocket; clocks, aircraft, mechanical; holders, watch; navigation watches; master; pocket watches; stop watches; watches, wrist, second, setting; watch case assemblies; watch movements; wrist watches.
6995 P	Combination and miscellaneous instruments.	Includes: Jewel bearings, only.
	TIRES AND TUBES	
2610	Tires and tubes, pneumatic, except aircraft.	
2630	Tires, solid and cushion.	

Federal supply class code	Commodity	Content
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION AND EXPLOSIVES	
1005 P 4	Guns, through 30-mm	Includes: Guns, through 30-mm, and parts equipment therefor, as listed in Army Supply Manuals SM 9-5-1005, 10-15, SM 9-1-1005, 10, 15. Excludes: Naval Ordnance type; MK-12, 20-mm gun; aircraft gun mounts, and all other types not included above.
1010 P 4	Guns, over 30-mm up to 75-mm	Includes: Guns, over 30-mm up to 75-mm, and parts and equipment therefor, as listed in Army Supply Manuals SM 9-5-1005, 10, 15; SM 9-1-1005, 10, 15. Excludes: Naval Ordnance type; aircraft gun mounts, and all other types not included above.
1015 P 4	Guns, 75-mm through 125-mm	Includes: Guns, 75-mm through 125-mm, and parts and equipment therefor, as listed in Army Supply Manuals SM 9-5-1005, 10, 15; SM 9-1-1005, 10, 15. Excludes: Naval Ordnance type; aircraft gun mounts, and all other types not included above.
1020 P 4	Guns, over 125-mm	Includes: Guns, over 125-mm, and parts and equipment therefor, as listed in Army Supply Manuals SM 9-5-1025, 30; SM 9-1-1025, 30. Excludes: Naval Ordnance type and all other types not included above.
1040 P 4	Chemical weapons and equipment	Includes: Launchers, rocket and pyrotechnic, as listed in Army Supply Manuals SM 9-5-1055; SM 9-1-1050, 55. Excludes: Naval Ordnance type; airborne type; and all others not included above.
1055 P 4	Launchers, rocket and pyrotechnic	Includes: Launchers, rocket and pyrotechnic, as listed in Army Supply Manuals SM 9-5-1055; SM 9-1-1050, 55. Excludes: Naval Ordnance type; airborne type; and all others not included above.
1065 P 4	Miscellaneous weapons	Includes: Miscellaneous weapons, and parts and equipment therefor, as listed in Army Supply Manuals SM 9-5-1080, 95; SM 9-1-1080, 95. Excludes: Naval Ordnance type; guns, line throwing (which are under DOD procurement assignment to the Navy); aircraft type misc. weapons; and all others not included above.
1210 P 4	Fire control directors	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1220 P 4	Fire control computing sights and devices	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1230 P 4	Fire control systems, complete	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1240 P 4	Optical sighting and ranging equipment	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1250 P 4	Fire control stabilizing mechanisms	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1260 P 4	Fire control designating and indicating equipment	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1265 P 4	Fire control transmitting and receiving equipment, except airborne	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1285 P 4	Fire control radar equipment, except airborne	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1290 P 4	Miscellaneous fire control equipment	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9-1-1210, 20, 30, 40; SM 9-1-1210, 20, 30, 40, 60, 90; SM 9-5-1290. Excludes: Naval Ordnance type and aircraft type.
1305 P 4	Ammunition, through 30-mm	Includes: Ammunition, through 30-mm, as listed in Army Supply Manual SM 9-5-1305. Excludes: Naval Ordnance type; ammunition for the MK-12, 20-mm gun, and all other types not included above.
1310 P 4	Ammunition, over 30-mm up to 75-mm	Includes: Ammunition, over 30-mm up to 75-mm, as listed in Army Supply Manual SM 9-5-1310. Excludes: Naval Ordnance type; 40-mm ammunition (which is under DOD procurement assignment to the Navy); and all other types not included above.
1315 P 4	Ammunition, 75-mm through 125-mm	Includes: Ammunition, 75-mm through 125-mm, as listed in Army Supply Manual SM 9-5-1315; Army Supply Catalog GML 5-1-1. Excludes: Naval Ordnance type; and all other types not included above.
1320 P 4	Ammunition, over 125-mm	Includes: Ammunition, over 125-mm, as listed in Army Supply Manual SM 9-5-1320; Army Supply Catalog GML 5-1-1. Excludes: Naval Ordnance type; and all other types not included above.

See footnotes at end of § 4.301-3.

Federal supply class code	Commodity	Content
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION AND EXPLOSIVES—continued	
1325 P	Bombs	Includes: Bombs as listed in Army Supply Manuals SM 9-5-1325, 30, 40, 45, 55, 70, 75. Excludes: Those bombs herein assigned to the Navy; and all others not included above.
1330	Grenades	Includes: HE, AT, 3.5 In., M35; Practice, 3.5 In., M35; Smoke, WP, 3.5 In., M30; Drill, 4.5 In., M24; HE, 4.5 In., M32; Practice, 4.5 In., M33; incendiary and toxicological rockets, as listed in Army Supply Bulletin SB 3-33. Excludes: Rockets herein assigned to the Navy; and all others not included above.
1345	Rockets and rocket ammunition	Includes: Shipboard and aircraft pyrotechnics. Excludes: Shipboard agents and supplies such as: blocks, demolition; caps, blasting, electric and nonelectric; charge, craters, charges, shaped and demolition; cord; detonating; detonators, all types; dynamite; firing devices; fuse, safety; Bangalore torpedo; kit demolition; lighter, fuse; primer, percussion cap; demolition equipment sets with ancillary items; chests, demolition platoon and squad; machine, blasting. Excludes: Navy underwater demolition requirements. Includes: The following items only: Ammonium picrate (explosive D) JAN-A-166A; trinitrotoluene (TNT) JAN-T-248; tetral JAN-T-339; pentaerythrite tetranitrate (PETN) JAN-P-387; RDX; composition B; composition C-3; pentolite, 60/50 JAN-P-408; composition C-3; composition A-3; composition A-4; nitroglycerine (picrite). Excludes: Production capacity for any of the above listed explosives at the U.S. Naval Propellant Plant, Indian Head, Md.; and all other explosives not included above.
1365	Propellants	Includes: Propellants for small arms ammunition, calibers, .30- to 30-mm, inclusive, except blank and cal. .45; propellant (for small arms ammunition, caliber .45 M1L-P-327; propellant, increment, M3 M1L-P-10557; propellant, M9; powder, rocket propellant, type N-4 M1L-P-1640; propellant cannon, M1, M6, M14, JAN-P-399; propellant cannon, M2, M5, JAN-P-323; propellant, 4.2 In. chemical mortar; propellant, M7, M15 and M17 M1L-P-688A; propellant, M16; rocket propellant powder NAYORD OS 3383. Excludes: Production capacity for any of the above listed propellants at the U.S. Naval Propellant Plant, Indian Head, Maryland; and all other propellants not included above.
1380	Military biological agents	Includes: Fuzes and primers for Army assigned ammunition and V.T. fuses, non-rotating types. Excludes: Naval Ordnance type; V.T. fuses, rotating type, and DOD procurement assignment to the Navy; guided missile fuzes; and all other fuzes and primers not included above.
1390 P	Fuzes and primers	Includes: Fuzes and primers for Army assigned ammunition and V.T. fuses, non-rotating types. Excludes: Naval Ordnance type; V.T. fuses, rotating type, and DOD procurement assignment to the Navy; guided missile fuzes; and all other fuzes and primers not included above.
2350	Tanks and self-propelled weapons	Includes: Training Aids as listed in Army Supply Manuals SM 9-1-6910, 20; SM 9-5-6910, 20; SM 3-1-6990. Excludes: All other training aids not included above.
6910 P	Training aids	Includes: Ammunition training devices as listed in Army Supply Manuals SM 9-1-6910, 20; SM 9-5-6910, 20. Excludes: Clay pigeons; all other training devices not included above.
6920 P	Armament training devices	Includes: Boxes, packages and containers for ammunition herein assigned to the Army, as listed in Army Supply Manuals SM 9-1-8140. Excludes: All other boxes, packages, and containers not assigned herein.
8140 P	Ammunition boxes, packages, and special containers	Includes: Boxes, packages and containers for ammunition herein assigned to the Army, as listed in Army Supply Manuals SM 9-1-8140. Excludes: All other boxes, packages, and containers not assigned herein.

§ 4.301-2 Department of the Navy.			§ 4.301-2 Department of the Navy.		
Federal supply class code	Commodity	Content	Federal supply class code	Commodity	Content
6910 P----- 7195 P----- 7710 P----- 9925-----	ECCLASTICAL EQUIPMENT, FURNISHINGS AND SUPPLIES	Includes: Visual aids, chaplain, nonprojected; only. Includes: Board, bulletin, chapel, only. Includes: Organs, musical only.	2230 P-----	MATERIALS HANDLING EQUIPMENT	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
4920----- 9420-----	ELECTRONIC EQUIPMENT ; FIBERS, FIBER ROPE, CORDAGE, AND TWINE		2330 P-----	Right-of-way construction and maintenance equipment, railroad.	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
9110 P-----	Fiber rope, cordage, and twine. Fibers, vegetable, animal, and synthetic.		2330 P-----	Vehicular power transmission components.	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
	FUELS, SOLID	Includes: Coal or coal products only.	2540 P-----	Vehicular brake, steering, axle, wheel, and track components.	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
	HAND TOOLS	Includes: Only soldering irons, and soldering guns, and related parts and accessories only. Excludes: All powered gardening implements and tools.	2590 P-----	Vehicular furniture	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
3430 P----- 3750 P----- 5110----- 5120----- 5133 P----- 5136 P----- 5140----- 5180 P----- 5210----- 5280 P-----	Miscellaneous welding, soldering, and brazing supplies and accessories. Gardening implements and tools. Hand tools, edged, nonpowered. Hand tools, nonedged, nonpowered. Drill bits, counterbores, and countersinks. Taps, dies, and collets: Hand and machine. Tool and hardware boxes. Sets, kits, and outfits of hand tools. Measuring tools, craftsmans'. Sets, kits, and outfits of measuring tools.	Includes: Bits, counterbores, and countersinks, hand only. Includes: Taps, dies, and collets, hand only. Includes: Sets, kits, and outfits of nonpowered hand tools only. Excludes: Sets, kits, and outfits of inspection gages, and precision layout tools.	3910 P----- 3920 P----- 3930----- 3940 P----- 3990----- 6140 P-----	Miscellaneous vehicular components. Conveyors. Materials handling equipment, non-self-propelled. Warehouse trucks and tractors, self-propelled. Blocks, tackle, rigging and slings. Miscellaneous materials handling equipment. Batteries, secondary	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
	LIFESAVER EQUIPMENT, MARINE II	Includes: Anchor, sea, oars, sectional, aluminum; paddles; and paddles, telescoping, hand only. Includes: The following items only: Buoy, breeches. Cass, carrying, deflated raft. Containers, emergency equipment life raft. Containers, parafit kit. CO ₂ cylinders for inflatable life preservers and life rafts. Cushions, buoyant. Equipment, containers, coated nylon. Harness, for lifting personnel aboard ship. Inflation gear, complete and parts therefor (life raft). Kits, accessory, life raft. Kits, canvas repairing, for lifeboats, rafts and jackets. Life floats (platform net rigging). Life floats (ring). Life preservers. Life preservers, pneumatic. Life rafts, inflatable, airborne and shipborne. Life rafts, waterproof. Life suits, shark chaser. Life vest, shark chaser. Reflectors, corner, life raft. Water lifesaving nets and ladders. Includes: Pump, hand only. Includes: Kits, desalter, and water stills, solar heated, lifesaving, only. Includes: Lantern, electric, automatic, floating; and lights, life preserver, only. Includes: Mirrors, signalling only. Includes: Compasses, lifeboat and raft, only. Includes: Dye, sea marker, only.	8010 P----- 8030 P----- 6840----- 5410 P----- 6605 P-----	PAINTS AND SEALERS Paints, dopes, varnishes, and related products. Preservative and sealing compounds. PEST CONTROL AGENTS Pest control agents and disinfectants. PREFABRICATED AND PORTABLE BUILDINGS Prefabricated and portable buildings. SEXTANTS, AIRCRAFT Navigational instruments SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT Combat ships and landing vessels. Transport vessels, passenger and troop. Fishing vessels. Special service vessels. Barges and lighters, cargo. Barges and lighters, special purpose. Small Craft. Pontoon and floating docks. Floating dry docks. Miscellaneous vessels.	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
4320 P----- 4610 P----- 6230 P----- 6350 P----- 6905 P----- 6940 P-----	Power and hand pumps. Water purification equipment. Electric portable and hand lighting equipment. Miscellaneous alarm and signal systems. Navigational instruments. Miscellaneous chemical specialties.		1905 P----- 1910 P----- 1920----- 1925----- 1930----- 1935 P----- 1940 P----- 1945 P----- 1950----- 1990 P-----	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.	Includes: Diesel, electric, diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.

See footnotes at end of § 4.301-3

Federal supply class code	Commodity	Content
2010 P.....	SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT	
2020 P.....	Ship and boat propulsion components	
2030 P.....	Rigging and rigging gear	
2040 P.....	Deck machinery	
2050 P.....	Marine hardware and hull items	
2060 P.....	Commercial fishing equipment	
2080 P.....	Miscellaneous ship and marine equipment	
2805 P.....	Gasoline reciprocating engines, except aircraft, and components	Includes: Gasoline engines for use aboard ships herein assigned only. Excludes: Outboard, motors, gasoline. Includes: Engines and components for use aboard ships herein assigned only. Includes: Marine main propulsion steam engines only.
2815 P.....	Diesel engines and components	Includes: Marine steam turbines only.
2820 P.....	Steam engines, reciprocating, and components	Includes: Equipment for use aboard ships herein assigned only.
2825 P.....	Steam turbines and components	Includes: Anchor chain; and anchor chains (shots, no attachments) for use aboard ships herein assigned only.
3950 P.....	Winches, hoists, cranes, and derricks	Includes: Units and accessories for use aboard ships only.
4010 P.....	Chain and wire rope	Includes: Units and accessories for use aboard ships herein assigned only.
4110 P.....	Self-contained refrigeration units and accessories	Includes: Plants and components for use aboard ships herein assigned only.
4120 P.....	Self-contained air conditioning units and accessories	Includes: Fans and air circulators for use aboard ships herein assigned only.
4130 P.....	Refrigeration and air conditioning plants and components	Includes: Diving equipment only.
4140 P.....	Fans and air circulators, non-industrial	Includes: Reciprocating air compressors; and rotary air compressors for use aboard ships herein assigned only.
4220 P.....	Marine lifesaving and diving equipment	Includes: Power driven pumps; and air ejector assemblies for use aboard ships herein assigned only.
4310 P.....	Compressors and vacuum pumps	Includes: Oil purifiers; and oil filters, for use aboard ships herein assigned only.
4320 P.....	Power and hand pumps	Includes: Boilers for use aboard ships herein assigned only.
4330 P.....	Centrifugals, separators, and pressure and vacuum filters	Includes: Heat exchangers for use aboard ships herein assigned only.
4410 P.....	Industrial boilers	Includes: Equipment for use aboard ships herein assigned only.
4420 P.....	Heat exchangers and steam condensers	Includes: Troughs, wash (personnel); troughs, water closet; and troughs, urinal; for use aboard ships herein assigned only.
4450 P.....	Industrial fan and blower equipment	Includes: Distilling plants for use aboard ships herein assigned only.
4510 P.....	Plumbing fixtures and accessories	Includes: Troughs, metal enclosure only, not part of ship's structure; and use aboard ships herein assigned only.
4620 P.....	Water distillation equipment, marine and industrial	Includes: Gratings and floor metal (deck not include structure) for use aboard ships herein assigned only.
5430 P.....	Storage tanks	Includes: Antenna poles; and masts, antenna for use aboard ships herein assigned only.
5670 P.....	Architectural and related metal products	Includes: Motors for use aboard ships herein assigned only.
5985 P.....	Airspace waveguides, and related equipment	Includes: Gasoline, diesel and steam engine-generator sets; generators, electric; and steam turbine-generator sets for use aboard ships herein assigned only.
6105 P.....	Motor, electrical	Includes: Motor-generator sets for use aboard ships herein assigned only.
6115 P.....	Generators and generator sets	Includes: Fixed lights for use aboard ships herein assigned only.
6125 P.....	Converters, electrical	Includes: Alarm systems; fire alarm systems; indicating systems; telegraph systems (signals and signaling) (less electronic type); for use aboard ships herein assigned only.
6220 P.....	Electric vehicular lights and fixtures	Includes: Hand leads (soundings); lead reels; sounding machines; stands, pelorus, for use aboard ships herein assigned only.
6320 P.....	Shipboard alarm and signal systems	Includes: Stands, telescope, for use aboard ships herein assigned only.
6505 P.....	Navigation instruments	Includes: Hazard-determining safety devices, for use aboard ships herein assigned only.
6550 P.....	Optical instruments	Includes: Boxes, ammunition, for use aboard ships herein assigned only.
6665 P.....	Hazard-detecting instruments and apparatus	Includes: Boxes, signal flag, for use aboard ships herein assigned only.
8140 P.....	Ammunition boxes, packages, and special containers	
8345 P.....	Flags and pennants	
See footnotes at end of § 4.301-3.		
6645 P.....	SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT—Continued	
Time measuring instruments		Includes: All clocks, chronometers, and spare parts thereof, as follows: alarm clocks; boat clocks; cans, chronometer shipping cases, carrying cases, chronometer; cases, carrying cases, make-break circuit, chronometer; cases, chronometer, gimbal; cases, chronometer, padded; chronometers; chronometers, make-break circuit; clocks, direct reading; clocks, electric; clocks, floor; clocks, interval timer; clocks, marine, mechanical; clocks, master control clocks, master program; clocks, master regulating; clocks, mechanical; clocks, message center; clocks, nurses; clocks, program; clocks, shelf; clocks, wall; clocks, watchmen's; clock motors; clock movements, electric; deck clocks; dials, clock; hour-meters; interval timers; keys, clock; marker clocks; meters engine running time; meters, hour recording; meters, time totalizing, electric; program control instruments; program timers; stop clocks; time period counters; timers, bombing; timers, engine hour; timers, sequential; timers, stop.
WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION AND EXPLOSIVES		
Miscellaneous weapons		Includes: Guns, line throwing only. Includes: 40-mm ammunition only. Includes: Armor-piercing; depth bombs, externally suspended low drag bombs; and components and practice bombs therefor, as listed in Ord Pamphlet 1280 and OP 988.
Bombs		Includes: 2.25 in. Rocket SCAR, Practice; Heads Mk 3 and Mods; Motors Mk 15 and Mods; Mk 16 and Mods. 275 Inc. Rocket FFAR, service and practice; Heads Mk 1 and Mods (General Purpose); Mk 3 and Mods (HEAT); Motors Mk 1 and Mods; Mk 2 and Mods; Mk 3 and Mods. 5 in. Rocket HVAR, service and practice; Heads Mk 2 and Mods (Common) Mk 6 and Mods (GP); Mk 4 and Mods (Smoke) Mk 25 and Mods (ATAR); Motors Mk 10 and Mods. 5 in. Rocket FFAR service and practice; Heads Mk 24 and Mods (General Purpose); Mk 32 and Mods (Shaped Charge); Mk 26 and Mods (illum); Motors Mk 16 and Mods.
Rockets and rocket ammunition		Excludes: Rockets included under above assignment to the Army. Includes: Fuze and Primers for Navy assigned ammunition and V.F. fuze, rotating type, only. Includes: Sets, kits, outfits of fuze, Ordnance tools and equipment, as defined in OPNAV 8027 JB, AR 755-1304-6, AFR 136-8 and further, as described in Ord Pamphlet 1551 (C) and other similar documents of other services. All others not included above.
Fuzes and primers		Includes: Boxes, packages and containers for 40-mm ammunition, only.
Ammunition boxes, packages, and special containers		
§ 4.301-3 Department of the Air Force.		
Federal supply class code	Commodity	Content
5950 P.....	ELECTRICAL AND ELECTRONIC COMPONENTS	Includes: Only gas filled or evacuated electronic tubes which a common coordinated specification as set forth in MIL-E-10 and which are common to two or more Military Departments.
5960 P.....	Electron tubes, transistors, and rectifying crystals.	
5980 P.....	ELECTRONIC EQUIPMENT, FIRE FIGHTING, RESCUE AND SAFETY EQUIPMENT (AIRPORT)	Includes: Airport crash rescue vehicles only. Includes: Airport crash rescue trailer units only. Includes: Airport crash fire fighting vehicles only.
2320 P.....	Trucks and truck-trailers	
2330 P.....	Trailers	
4210 P.....	Fire fighting equipment	

Federal supply class code	Commodity	Content
	LIGHTING FIXTURES, AIRPORT	
6210 P.....	Indoor and outdoor electric lighting fixtures.	Includes: Fixtures for airport lighting, alarm and signal systems only.
	PHOTOGRAPHIC EQUIPMENT ¹¹	
6710 P.....	Cameras, motion picture.....	Excludes: Submarine periscope and underwater cameras.
6720 P.....	Cameras, still picture.....	Excludes: Submarine periscope and underwater cameras.
6730 P.....	Photographic projection equipment.....	Excludes: 35 mm theatre projectors.
6740.....	Photographic developing and finishing equipment.	
6750 P.....	Photographic supplies.....	Excludes: Photoflash lamps, which are mandatory for purchase under the provisions of Federal Supply Schedule Class 62, Part II, Electric Lamps.
6760.....	Photographic equipment and accessories.	
6780.....	Photographic sets, kits, and outfits...	

¹ The implementing procedure for this DOD Procurement Assignment also covers selected mechanical smoke generators, which are classified under FSC Class 1040 Chemical Weapons and Equipment. The entire FSC Class 1040 is under DOD Procurement Assignment to the Department of the Army.

² Each Department is assigned procurement responsibility for those items which the Department either designed or sponsored development, as listed in JANAP 140 and Supplemental Departmental Listings.

³ This listing has been modified to reflect the addition of selected paper cutlery and flatware and paper tableware formerly included in the Paper and Paper Products assignment.

⁴ Navy and Marine Corps requirements for Box, Crate, and Package Shook are excluded from this assignment.

⁵ The following items in FSC 6645 are not assigned: chronographs; clocks; job recorder; job recording devices, racks, timecard; recorders, payroll time; recorders, time; recorders, watch movement; stamps, time; stations, watchmen's clock; time recorders; and time stamps.

⁶ For purposes of procurement, Naval Ordnance comprises all arms, armor, and armament for the Department of the Navy and includes all offensive and defensive weapons, together with their components, controlling devices and ammunition used in executing the Navy's mission in National Defense (except small arms and those items of aviation ordnance procured from the Army).

⁷ Requirements of commercial tires and tubes, when the item to be procured is less than \$10,000 per line item (for tires costing less than \$1,000 per tire) or when the item to be procured is less than \$25,000 per line item (for tires costing \$1,000 or more per tire), shall be purchased in accordance with the mandatory provisions of Federal Supply Class 28 Part II, Tires and Tubes, Pneumatic (except aircraft). These mandatory provisions do not apply to Military tires and tubes over the above specified dollar amounts in accordance with the procedures implementing this DOD procurement assignment. This DOD procurement assignment does not include FSC Class 2620, Tires and Tubes, Pneumatic, Aircraft. These items are mandatory for purchase in accordance with the provisions of Federal Supply Class 26—Part I, Tires and Tubes, Pneumatic, Aircraft.

⁸ The Department of the Army portion of this DOD procurement assignment is covered by two sets of implementing procedures. One set covers items under the cognizance of the Army Ordnance Corps and the other covers items under the cognizance of the Army Chemical Corps.

⁹ Mechanical smoke generators included in this FSC Class are covered in the implementing procedures for Chemical Warfare Equipment and Supplies.

¹⁰ Army responsible for loading, assembling and packing toxicological smoke and incendiary shells.

¹¹ The implementing procedures for this DOD Procurement Assignment also cover airborne and shipborne pneumatic lifeboats, which are classified under FSC Class 1940—Small Craft. The entire FSC Class 1940 is under DOD Procurement Assignment to the Department of the Navy.

¹² Airborne and shipborne pneumatic lifeboats included in this FSC Class are covered in the implementing procedures for Lifesaving Equipment, Marine.

¹³ Army responsible for loading, assembling and packing toxicological, smoke, and incendiary shells. Loading, assembling, and packing in excess of Navy owned capacity to be done by Army.

¹⁴ Filler and filling of all smoke and toxicological rockets are assigned to the Army.

¹⁵ Excludes photographic equipment controlled by the Congressional Joint Committee on Printing and Micro-Film Equipment and Supplies.

5. Revise §§ 6.301 and 6.302; in § 6.303, revise paragraph (g); revise § 6.304-1; and in § 6.304-2, revise paragraphs (a) and (b), as follows:

§ 6.301 Definition.

For the purpose of this part, the term "possessions", as used in the phrase "United States or its possessions", includes Puerto Rico.

§ 6.302 Restriction.

Except as provided in § 6.303, there shall not be procured supplies consisting in whole or in part of any food, clothing, cotton, wool, or spun silk yarn for cartridge cloth, which have not been grown or produced in the United States or its possessions; but this does not restrict the procurement of cotton or wool reprocessed or reused in the United States or its possessions or of foods manufactured or processed in the United States or its possessions.

§ 6.303 Exceptions.

(g) Any articles of food or clothing or any form of cotton, spun silk yarn for cartridge cloth, or wool, as to which the Secretary concerned has determined that a satisfactory quality and sufficient quantity grown or produced in the United States, or its possessions cannot

be procured as and when needed at United States market prices.

§ 6.304-1 Procurement of food, clothing, spun silk yarn for cartridge cloth, or items containing mohair or cotton.

In general, food, clothing (not covered by § 6.304-2), spun silk yarn for cartridge cloth, or any form of mohair or cotton, will be procured only if grown, reprocessed, reused, or produced in the United States or its possessions. However, if the contracting officer finds that prices for such domestic supplies are unreasonable, he may refer the matter to the Secretary concerned for determination with respect to § 6.303(g) in accordance with Departmental procedures.

§ 6.304-2 Procurement of items containing wool (except mohair).

(a) The Secretaries have determined that to the extent that application of the procedures in this section results in the procurement of any articles of wool (except mohair) not grown, reprocessed, reused, or produced in the United States or its possessions, a satisfactory quality and sufficient quantity of such articles grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices.

(b) Bids and proposals for supplies of which wool is a part will be solicited on the following alternative bases:

(1) Manufactured in the United States or its possessions from domestic wool;

(2) Manufactured in the United States or its possessions from foreign wool; and

(3) Manufactured in the United States or its possessions from a blend of (percent) domestic wool and (percent) foreign wool.

6. New §§ 7.104-27 and 7.109-7 are added as follows:

§ 7.104-27 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102-3(c) of this chapter.

§ 7.109-7 Modified retroactive and prospective price redetermination for follow-on contracts.

(a) *Descriptions, applicability, and limitations.* See § 3.403-3(b) (6) of this chapter.

(b) *Clause.*

Where a follow-on contract is to be geared to a preceding contract for pricing purposes and is to provide for retroactive and prospective price redetermination at a stated time prior to completion, the clause in § 7.109-4 shall be used except that the caption will read "Price Redetermination (Modified Type C)" and the paragraph set forth below will be substituted for the text of paragraph (b) of the clause in § 7.109-4. Where such a follow-on contract is to provide for retroactive and prospective price redetermination including further prospective redetermination upon request, the clause in § 7.109-5 shall be used except that the caption will read "Price Redetermination (Modified Type D)" and the paragraph set forth below will be substituted for the text of subparagraph (b) (1) of the clause in § 7.109-5.

Upon completion of deliveries under Contract No. _____, herein called the preceding contract, or at such other time as the Contracting Officer may fix after negotiation of a mandatory price redetermination is to begin under the preceding contract, and as otherwise provided in (ii) below, the Contractor shall submit:

(i) Proposed prices for supplies delivered and to be delivered and services performed and to be performed under this contract;

(ii) Statements of incurred costs and cost estimates, on DD Form 748 or in any other form on which the parties may agree, to be submitted separately both for this contract and for the preceding contract until its completion, covering each of the following:

(A) All costs incurred in the performance of such contracts through the end of the _____¹ month before the submission, together with sufficient supporting data to disclose unit costs and cost trends for:

(I) Supplies delivered and services performed; and

(II) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(B) An estimate of costs of all supplies delivered and to be delivered and all services performed and to be performed under such contracts, using the statement of costs in-

¹ Insert the word "first," except the word "second" may be inserted if necessary to achieve compatibility with the contractor's accounting system.

curring plus an estimate of costs to complete performance, together with:

(I) Sufficient data to support the accuracy and reliability of such estimate; and

(II) An explanation of the differences between such estimate and the original estimate used in establishing the unit prices set forth in this contract for the same supplies or services; and

(C) Supplemental statements of costs incurred subsequent to the end of the month specified in (A) above for:

(I) Supplies delivered and services performed; and

(II) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary); as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(III) Any other relevant data which may reasonably be required by the Contracting Officer.

Upon the receipt of the data required above, the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable prices for supplies delivered and to be delivered and services performed and to be performed under this contract. Where the Contractor fails to submit data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

7. Paragraph (c) of the contract clause in § 7.203-5 is revised to read as follows:

§ 7.203-5 Inspection of supplies and correction of defects.

(c) Notwithstanding the provisions of paragraph (b) hereof, the Government may at any time require the correction or replacement by the Contractor, without cost to the Government, of supplies or lots of supplies which are defective in material or workmanship, or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require correction or replacement by the Contractor, without cost to the Government, of any such defective supplies or lots of supplies if the defects or failures are caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

8. In § 7.203-7(b), revise subparagraph (4) (A) of the contract clause, as follows:

§ 7.203-7 Records.

(b) In the case of contracts which establish separate periods of performance, the following alternate subparagraph (a) (4) may be substituted for the corresponding subparagraph of the clause prescribed by paragraph (a) of this section.

(4) * * *

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

9. Add new §§ 7.203-27 and 7.303-14 as follows:

§ 7.203-27 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102-3(c) of this chapter.

§ 7.303-14 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102-3(c) of this chapter.

10. Revise paragraph (c) of the contract clause in § 7.402-5(a) (1), as follows:

§ 7.402-5 Inspection and correction of defects.

(a) (1) The following clause shall be used where the primary contract objective is the delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable.

INSPECTION AND CORRECTION OF DEFECTS.

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract if such failure is due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

11. New § 7.402-28 is added, as follows:

§ 7.402-28 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102-3(c) of this chapter.

12. Divide § 10.404 into 2 sections by inserting a new § 10.404-1 heading immediately after the § 10.404 heading, and change the contract clause in paragraph (a) by adding paragraph (b) (vi) and revising paragraph (d) (ii), as follows:

§ 10.404 Aircraft—Ground and Flight Risk.

§ 10.404-1 Negotiated fixed-price type contracts.

(a) Negotiated fixed-price type contracts for the production, modification, maintenance, or overhaul of aircraft shall, except as provided in paragraph (b) of this section include the following clause.

GROUND AND FLIGHT RISK

(b) For the purposes of this clause:

(vi) The term "flight crew members" means those persons in the aircraft who have been designated by the Contractor to conduct any flight as defined in subparagraph (i) above on behalf of the Contractor.

(d) The Government's assumption of risk shall not extend to damage to, or loss or destruction of, such aircraft:

(i) sustained during flight if the flight crew members conducting such flight have not been approved in writing by the -----;¹

13. Add new § 10.404-2 and in § 12.103-3 revise paragraph (c) as follows:

§ 10.404-2 Cost-reimbursement type contracts.

(a) Cost-reimbursement type contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor by the Government, shall, except as provided in (b) of this section, include the following clause.

FLIGHT RISKS

(a) Notwithstanding any other provision of this contract, and particularly subparagraph (f) (1) of the Government Property clause, and paragraph (c) of the Insurance-Liability to Third Persons clause, the Contractor shall not (i) be relieved of liability for, damage to, or loss or destruction of, aircraft sustained during flight, or (ii) be reimbursed for liabilities to third persons for loss of or damage to property, or for death or bodily injury, which are caused by aircraft during flight, unless the flight crew members have previously been approved in writing by -----.²

(b) For the purposes of this clause:

(i) Unless otherwise specifically provided in the Schedule, the term "aircraft" means any aircraft, whether furnished by the Contractor under this contract or furnished by the Government to the Contractor under this contract, including all Government Property placed or installed therein or attached thereto.

(ii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight, made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the -----.³ As to land based air-

¹ Insert, in contracts of the Department of the Army, the words "the Contracting Officer," and insert, in contracts of the Department of Navy or the Department of the Air Force, the activity designated in accordance with Departmental procedures.

² Insert, in contracts of the Department of the Army or the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the activity designated in accordance with Departmental procedures.

craft, "flight" shall commence with the taxi roll from a flight line and continue until the aircraft has completed the taxi roll to a flight line; as to sea planes, "flight" shall commence with the launching from a ramp and continue until the aircraft has completed its landing run and is beached at a ramp; as to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off and continue until the aircraft has returned to the ground and rotors are disengaged; and for vertical take-off aircraft "flight" shall commence upon disengagement from any launching platform or device and continue until the aircraft has been re-engaged to any launching platform or device.

(iii) The term "flight crew members" means those persons in the aircraft who have been designated by the Contractor to conduct any flight, as defined in subparagraph (ii) above, on behalf of the Contractor.

(b) In the foregoing clause, the definition of "aircraft" may be appropriately modified in the Schedule if the contract covers helicopter, vertical takeoff aircraft, lighter-than-air airships, or other nonconventional types of aircraft. If the contract includes the Government Property clause in § 13.506 of this chapter, the reference in paragraph (a) of the foregoing clause to paragraph (f) (1) of the Government Property clause should be changed to (i) (1).

§ 12.102-3 Procedures.

(c) Excepting (1) firm fixed-price contracts, (2) fixed-price contracts with escalation not providing for labor escalation, and (3) fixed-price contracts providing for price redetermination prospectively only, all contracts in excess of \$10,000 shall contain the following clause:

PAYMENT FOR OVERTIME AND SHIFT PREMIUMS

The contract price shall not include any amount on account of overtime premiums or shift premiums, except to the extent that they either (1) have been approved in writing on behalf of the Government or (ii) are paid for work—

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby, plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government. In cost-reimbursement type contracts, the words "Allowable cost" should be substituted for "The contract price" at the start of the foregoing clause, and the foregoing clause shall be designated (a) and the following subparagraph (b) may be added:

(b) The cost of overtime premiums or shift premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

14. In § 13.503, revise paragraph (f) (v) of the contract clause, and in

§ 16.202, add subdivision (vii) to paragraph (b) (2), as follows:

§ 13.503 Government property clause for cost-reimbursement type contracts.

GOVERNMENT PROPERTY

(f) * * *

(v) If this contract is for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the clause of this contract entitled "Flight Risks" shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.¹

§ 16.202 Negotiated contract forms. (DD Forms 1261 and 1270.)

(b) *Short Form negotiated supply and services contracts.* * * *

(2) No clause on DD Form 1270 may be deleted or altered, and no other clause covering the subject matter of any clause set forth in this subchapter may be used, except:

(vii) the "Priorities, Allocations and Allotments" clause (§ 7.104-18 of this chapter) may be inserted in the schedule where required.

15. In § 30.2, revise items 103.9 and 304.3; and in § 30.3, revise paragraph (c) in item 103.4, as follows:

§ 30.2 Appendix B—Manual for control of Government property in possession of contractors.

103.9 Minor plant equipment means an item of plant equipment having a unit value of less than \$200 and other plant equipment, regardless of cost, when so designated by the Government.

304.3 *Records of plant equipment.* Plant equipment shall be accounted for by individual item except as provided in subparagraphs (a), (b), (c), and (d) below. The form of property records to be maintained for plant equipment will include as a minimum the information prescribed by Exhibit A.

(a) *Record of accessory and auxiliary equipment.* Individual records for accessory and auxiliary equipment which is attached to or otherwise a part of an item of plant equipment and which is required for its normal operation need not be maintained, but the description of such accessory and auxiliary equipment shall be entered on the respective plant equipment records.

(b) *Record of manufacturing systems.* Where plant equipment and accessory type items are assembled and interconnected to form a single operating unit designed to perform continuously the same manufacturing process, such equipment may, for property and inventory control purposes, be grouped and reported as a single item of plant equipment on one plant equipment record in lieu of an individual record for each component comprising the item of plant equipment. This does not preclude the requirement for completely describing the component items nor does it preclude the use of more than one plant equipment record when additional space is required.

(c) *Record of minor plant equipment.* Summary stock records, rather than individual item records, shall be maintained for minor plant equipment, except in cases

¹ This subparagraph may be omitted where it is clearly inapplicable.

where individual item records are necessary for effective control.

(d) *Record of plant equipment costing between \$200 and \$500.* Summary stock records, rather than individual item records, shall be maintained for plant and production equipment costing between \$200 and \$500, except in cases where individual item records are necessary for effective control.

§ 30.3 Appendix C—Property in possession of nonprofit research and development contractors.

103.4 *Classification of Government property.* * * *

(c) Minor plant equipment means an item of plant equipment having a unit value of less than \$200.00 and other plant equipment, regardless of cost, when so designated by the Government.

[Rev. 54, ASPR, 2 May 1960] (R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-4770; Filed, May 31, 1960; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RECORDS AND REPORTS

Unofficial Research

In § 518.5, revise paragraph (d) (2) to read as follows:

§ 518.5 Unofficial research in Department of the Army files in records centers.

(d) *Use of security classified files.* * * *

(2) *Conditions.* Security classified files in Army records centers and in facilities of the General Services Administration will be made available to authorized individuals for unofficial research purposes, provided that:

(i) access to the information will be clearly consistent with the interests of national defense;

(ii) the person to be granted access is trustworthy, and is granted a security clearance to use the classified material concerned;

(iii) the relationship of the researcher to the research project is established as being bona fide; and

(iv) the researcher agrees that prior to publication or dissemination he will submit his manuscript and research notes for clearance to the Chief of Public Information, Office of the Secretary of the Army, ATTN: Office for the Freedom of Information, Washington 25, D.C.

[C2, AR 345-230, May 3, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-4857; Filed, May 31, 1960; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Contracts That Do Not Have a Direct and Immediate Connection With the National Defense

Section 1453.5 *Contracts that do not have a direct and immediate connection with the national defense* is amended by deleting subdivision (ii) of paragraph (b) (3) and inserting in lieu thereof the following:

(ii) Contracts which obligate funds appropriated under or to carry out the purposes of foreign aid programs, insofar as such funds are obligated for military assistance, are not exempt under this subparagraph (3) of this paragraph.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-4964; Filed, May 31, 1960; 8:50 a.m.]

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

Prime Contracts and Subcontracts To Be Performed Outside the United States

Section 1455.2(c-1) (2) *Exemption after June 30, 1956* is amended by deleting in its entirety the second sentence of subdivision (iii) and inserting in lieu thereof the following: "If at any time during the performance of the contract the United States national becomes entitled to 50 percent or more of the profits, the exemption does not apply and the entire receipts or accruals under the contract, if not otherwise exempt, are subject to exemption."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-4965; Filed, May 31, 1960; 8:50 a.m.]

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Contribution to the Defense Effort

Section 1460.13 *Contribution to the defense effort* is amended by deleting the first two sentences of paragraph (b) and inserting in lieu thereof the following: "Consideration will be given to the nature and extent of the contractor's contribution to the defense effort through its defense business."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-4966; Filed, May 31, 1960; 8:50 a.m.]

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Letter Form of Request by Related Group

Section 1464.91 *Letter form of request for renegotiation on consolidated basis (related group)* is amended by deleting paragraph 7 in its entirety, and by redesignating paragraph 8 as paragraph 7.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-4967; Filed, May 31, 1960; 8:50 a.m.]

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Application for Commercial Exemption

Section 1467.31(d) *Time for filing* is amended by deleting "§ 1470.3(d) (1)" in the second sentence and inserting in lieu thereof "§ 1470.3(d) (2)".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1210)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-4968; Filed, May 31, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No.18]

PART 918—MILK IN MEMPHIS, TENN., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Memphis, Tennessee, marketing area (7 CFR Part 918), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

(1) The provision "and § 918.51(b)" as it appears in § 918.50 of the order.

In accordance with the findings in the final decision (25 P.R. 2221) that the annual level of the Class I price would be maintained at a level approximately equal to the average of the past three years, the Class II price should not be one of the prices used to determine the basic formula price. In the same decision a finding was made and order language provided whereby the annual level of the Class II price was increased approximately 18.75 cents.

The aforesaid provision proposed for termination was inadvertently included in the order language through error and should be terminated to conform to the intent of the decision.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order is necessary to promote the orderly marketing of milk in the Memphis, Tennessee, marketing area. Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 26th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4890; Filed, May 31, 1960; 8:47 a.m.]

[Plum Order 4]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.639 Plum Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 2, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Santa Rosa or Formosa plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-six (26) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ($\frac{1}{4}$) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh)

(§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 27, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 60-4969; Filed, May 31, 1960;
9:15 a.m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 936.640 Plum Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is

permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 2, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Tragedy plums, unless

(i) Such plums grade at least U.S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack and will have a net weight of not less than twenty-four (24) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ($\frac{1}{4}$) inches: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall

have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 27, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-4970; Filed, May 31, 1960; 9:15 a.m.]

[Milk Order No. 111]

PART 1011—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (7 CFR Part 1011), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

In § 1011.51 the provision "during the 18-month period following the effective date of this part."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will provide for continuation of present Class I pricing provisions of the order due to expire May 31, 1960, pending completion of proceedings on the basis of a public hearing held at Marinette, Wisconsin, March 7-9, 1960. In a recommended decision issued May 20, 1960, based on the record of such hearing it was recommended that present pricing provisions be maintained through November 1961, subject only to a minor revision related directly to a recommended change in the marketing area. Time does not permit completion of these amendment proceedings before the May 31 expiration date. This suspension action will provide interim relief

No. 106—3

until such time as the amendment action can be completed.

Therefore, good cause exists for making this order effective June 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective June 1, 1960 for the period June 1, 1960, through June 30, 1960.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 26th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4891; Filed, May 31, 1960; 8:47 a.m.]

[Milk Order No. 116]

PART 1016—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Northeastern Wisconsin marketing area (7 CFR Part 1016), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act: The phrase in § 1016.51 which reads " * * * during the 18-month period following the effective date of this part * * * "

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area since otherwise the formula for Class I milk under the order would terminate automatically on May 31, 1960.

(2) Temporary provision for a Class I price formula is necessary until the order can be amended as the result of the public hearing held March 7-9, 1960, on which a recommended decision proposing an 18-month continuation of the present Class I price formula was issued May 20, 1960.

(3) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective June 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective June 1, 1960 for an indefinite period.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 26th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4892; Filed, May 31, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 404; Amdt. 167]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Series Aircraft

In a recent incident, a portion of the rudder trim tab of a Fairchild F-27 was lost in flight. Cracks also were found in two other rudders where the tab hinge bracket is attached.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly, an airworthiness directive was adopted on May 20, 1960, and made effective immediately as to known operators of Fairchild F-27 Series aircraft by individual telegrams dated May 20, 1960. It is hereby published as an amendment to § 507.10(a), (14 CFR Part 507), and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

FAIRCHILD. Applies to all F-27 Series aircraft.

Compliance required as indicated.

Due to loss of portion of rudder trim tab in flight the following measures are required pending the development and installation of a Federal Aviation Agency approved modification of the affected parts:

(a) On aircraft having more than 1,500 hours' time in service, conduct inspection (1) within the next 10 hours' time in service, and conduct inspection (2) within the following 15 hours' time in service unless otherwise required by inspection (1).

(b) On aircraft having less than 1,500 hours' time in service, conduct inspection (2) within the next 25 hours' time in service.

Inspection (1): Inspect rudder trim tab hinge brackets (four) located on rudder for security of attachment by locking the rudder control, gripping the trailing edge of the rudder trim tab and attempting to move tab laterally to determine if any relative motion exists between the tab hinge bracket and the rudder structure. Inspect rudder skin and rear rudder spar areas adjacent to the hinge bracket for any sign of deformation, loose rivets, and cracks. If any signs of these conditions exist conduct inspection (2) before next flight.

Inspection (2): Cut a hole 3/8-inch diameter in rudder skin immediately below each rudder rib at end where trim tab hinge bracket is attached. Inspect the rib web in the vicinity of tab hinge, attach fitting for cracks using dye penetrant method or equivalent, and repeat inspection every 125 hours' time in service. Conduct intermediate visual borescope inspections every 25 hours' time in service, verifying any crack indications using the dye penetrant method of inspection or equivalent. If cracks, deformation or loose rivets are found during any inspection a Federal Aviation Agency approved repair must be accomplished prior to further flight.

Reinforce inspection hole with a 1 1/8-inch O.D. annular ring made of 0.050-inch 2024 aluminum alloy or equivalent with a 3/8-inch

hole in the center. Attach ring to skin over hole with six blind rivets No. MS20600-B42 or equivalent equally spaced. Plug hole with button No. 48155 made by United Carr Fastener Company which will be furnished by Fairchild, or with equivalent plug. (Fairchild Service Bulletin No. 27-27 covers this same subject.)

This amendment shall become effective upon publication in the *FEDERAL REGISTER* as to all persons not receiving individual notice by telegram dated May 20, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 26, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-4918; Filed, May 31, 1960;
8:49 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-81]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Control Area Extension

On March 24, 1960, a notice of proposed rule making was published in the *FEDERAL REGISTER* (25 F.R. 2497), stating that the Federal Aviation Agency proposed to modify the Milwaukee, Wis., control area extension.

The Department of the Air Force concurred in the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, § 601.1188 (24 F.R. 10557) is amended to read:

§ 601.1188 Control area extension (Milwaukee, Wis.).

Within a 20-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), including the airspace S of Milwaukee bounded on the NE by VOR Federal airway No. 30 S, on the E by the Chicago Heights, Ill., VOR 013° True radial, on the S by VOR Federal airway No. 172, and on the SW and W by VOR Federal airway No. 9.

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-4861; Filed, May 31, 1960;
8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RE- LATING TO PARKS AND MONU- MENTS

Glacier National Park, Montana; Recreational Water Use

By notice of proposed rule making published in the *FEDERAL REGISTER* on February 25, 1960 (25 F.R. 1635-6), interested persons were invited to submit written comments, suggestions, or objections on the proposed changes amending Title 36 CFR, Chapter 1, § 7.3, by the addition of a new paragraph (g) as set forth below. The purpose of this amendment is to limit and control the use of water craft, as well as to establish reasonable and safe regulations. Such written comments, suggestions, or objections were required to be filed with the National Park Service, Washington, D.C., within thirty days from the publication of the notice in the *FEDERAL REGISTER*.

Consideration having been given to all relevant matters presented, it has been determined that the following amendment should be and is hereby adopted without change and as set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the *FEDERAL REGISTER*.

§ 7.3 Glacier National Park.

(g) Recreational water use.

(1) Use of motor propelled boats is prohibited on all lakes not reached by administratively approved roads.

(2) Water skis or surfboards being towed by motorboats are prohibited on all lakes except Lake McDonald and St. Mary Lake.

(3) Air or water propelled boats are prohibited on all Park waters.

(39 Stat. 535 as amended; 16 U.S.C. 1958 ed. Sec. 3)

Issued this 6th day of May 1960.

EDWARD A. HUMMEL,
Superintendent,
Glacier National Park.

[F.R. Doc. 60-4916; Filed, May 31, 1960;
8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Appeals From Decisions of Contract- ing Officers Under Construction and Related Contracts

1. In § 1.750, the section heading is amended, a new paragraph (a) is added, and former paragraphs (a) and (b) redesignated (b) and (c) to read as follows:

§ 1.750 Appeals.

(a) *Applicability.* Sections 1.750 through 1.756 are applicable only to appeals docketed by the Construction Contract Appeals Board prior to June 1, 1960. All appeals docketed on and after June 1, 1960, will be governed by §§ 1.770 through 1.775.

(b) *Contract provisions.* Provisions of Veterans Administration construction contracts and contracts for architect-engineer services include a clause under which certain disputes arising under the contract and not disposed of by agreement shall be decided by the contracting officer subject to written appeal by the contractor, within 30 days, addressed to "the head of the department," the Administrator of Veterans Affairs, or "his duly authorized representative." This provision may be reflected, in detailed applications, in the specifications included in a particular contract.

(c) *Finality of decisions.* Public Law 356, 83d Congress (68 Stat. 81), approved May 11, 1954 (sec. 1), permits judicial review of decisions of the head of a department or agency or his duly authorized representative or board in all such disputes: *Provided, however,* That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. The same act (sec. 2) prohibits inclusion in any Government contract of a provision making final the decision of any administrative official, representative, or board on a question of law. Any statement in a Veterans Administration construction or related contract concerning the finality of administrative decisions under its provisions will be understood and interpreted as effective only to the extent consistent with Public Law 356, 83d Congress.

2. New §§ 1.770, 1.771, 1.772, 1.773, 1.774 and 1.775 are added as follows:

§ 1.770 Construction Contract Appeals Board.

(a) *Establishment.* The Construction Contract Appeals Board has been established in the Office of the Administrator to act as his duly authorized representative to hear and decide appeals of contractors under construction and architect-engineer contracts.

(b) *Location.* The offices of the Board are located in the Veterans Administration Central Office, Washington 25, D.C.

(c) *Short title.* The short title of the Board is VACCAB.

(d) *Procedures.* The Board will consider appeals under any of the following procedures, at the election of the appellant:

- (1) On the written record made by the parties under §§ 1.770 through 1.775; or
- (2) On hearing before the Board; or
- (3) If involving \$1,000 or less, under the Optional Procedure for Small Appeals.

§ 1.771 Delegation of authority.

(a) The Board is delegated authority by the Administrator to ascertain the facts and circumstances and to render and publish final decisions on appeals entered by contractors from decisions of Veterans Administration contracting officers in accordance with contract terms and §§ 1.770 through 1.775.

(b) The Board and its individual members are delegated authority by the Administrator to take such actions as may be necessary to hear and decide appeals including the administering of oaths and affirmations, the taking of testimony and affidavits, the conduct of hearings, the dismissal of proceedings and ordering the production of documents and other evidence.

(c) The Board is authorized to take official notice of facts within general knowledge and to decide all questions necessary for complete adjudication.

(d) The Board is authorized to require Veterans Administration contracting officers and other Veterans Administration officials having responsibility for or official knowledge of the design of projects, or the award, administration or supervision of construction or architect-engineer contracts, or of work performed thereunder, to furnish the Board such information, technical data, and similar assistance as the Board may require in the performance of its duties. In such event a copy of the request and of the reply will be furnished to the appellant.

(e) Sections 1.770 through 1.775 are subject to the provisions of Public Law 356, 83d Congress (41 U.S.C. 321 and 322).

§ 1.772 Composition of the Board.

(a) *Membership.* The Board is composed of a chairman and members qualified in the law or in engineering designated by the Administrator. Law members must be members of the bar of a State, commonwealth, or territory of the United States or of the District of Columbia, and engineer members must be professional engineers having had extensive and responsible experience in construction and contract administration. Engineer members shall not constitute more than one-third of the membership of the Board.

(b) *Panels.* Except as provided in § 1.773(f) (Rule 32) or as ordered by the chairman, each appeal shall be assigned to a panel of three Board members selected by the chairman, not more than one of whom shall be an engineer-member. A law member shall be designated by the Chairman to preside. Each panel

so designated has authority to exercise the full jurisdiction of the Board on the appeal. A unanimous decision by the panel shall constitute the final decision of the Board. If the members of a panel do not agree unanimously, the appeal will be referred to the full Board, and the decision of a majority of the available members of the Board, in no case less than five, who consider the appeal so referred, shall be final.

(c) *Disqualification.* No member of the Board may consider an appeal if he has participated in the formulation or administration of the contract, or has any interest, directly or indirectly, in the dispute.

(d) *Alternates.* An alternate may be appointed by the chairman for any panel member who dies, or is absent, or is disqualified.

§ 1.773 Rules of the Board.

(a) *Rule 1; filing of appeals.*—(1) *Notice.* A contractor electing to appeal from a written decision of a contracting officer rendered under a construction or architect-engineer contract which contains a clause providing for appeal shall file a written notice as provided in the contract and within the time specified therein.

(2) *Form.* No particular form is prescribed for the notice of appeal but it should contain sufficient information to identify the dispute and the decision from which the appeal is taken, including:

- (i) Date and number of the contract and location of project; and
- (ii) Date and nature of the decision of the contracting officer.

(b) *Rule 2; docketing of appeals.* A notice of appeal when received by the Board will be docketed and assigned a case number, and the parties will be notified. Notification to appellant will include a copy of the appeal regulations. After docketing, a copy of the notice of appeal will be transmitted by the Board to contracting officer for the action required by paragraph (c) of this section. (Rule 3)

(c) *Rule 3; duties of contracting officer.* (1) Upon receipt of a notice of appeal, a contracting officer shall attach thereto any evidence of the date of mailing or, in the absence of any such evidence, shall endorse thereon the date of receipt and promptly forward the notice to the Board. Thereafter, the contracting officer shall furnish the Government counsel copies of all documents pertinent to the appeal, including the following:

- (i) A copy of the decision from which the appeal is taken;
- (ii) A copy of the notice of appeal;
- (iii) The contract and pertinent plans, specifications, amendments, and change orders;
- (iv) Correspondence and other data pertinent to the appeal.

(2) The contracting officer shall within 30 days of the docketing of the appeal, or within such time thereafter as the Board may approve, furnish the Board and Government counsel his written findings of fact. An original and two signed copies of the findings of fact shall be furnished to the Board.

(d) *Rule 4; duties of Government counsel.* (1) Government counsel shall file a notice of appearance with the Board, notify the appellant that he represents the interests of the Government, and take all actions required of him by §§ 1.770 through 1.775.

(2) Government counsel will represent the Government in the same manner as a private advocate represents a client.

(e) *Rule 5; appellant's representation.* An appellant may be represented by an attorney at law or by any other duly authorized person. When an attorney or other representative is to appear at a hearing or otherwise act, a prior written designation by the appellant is required.

(f) *Rule 6; filing and service of papers.* The Board will serve a copy of the findings of fact upon the appellant as soon after receipt as is practicable. The parties shall furnish the Board an original and two signed copies of all pleadings. The Board shall serve a copy of such pleadings on the opposing party or his representative of record. Service of papers shall be made in person or by certified mail to the last known address with return receipt required.

(g) *Rule 7; petition.* (1) A petition in support of the appeal must be filed by the appellant with the Board within 30 days of the receipt by the appellant of the contracting officer's findings of fact (paragraph (c) (2) of this section; Rule 3). The petition shall set forth:

(i) A summary of the decision of the contracting officer on the dispute from which the appeal is taken including the date of receipt of such decision;

(ii) A simple, concise, and direct statement of each claim and the facts upon which the appellant relies, setting forth wherein the decision is deemed erroneous;

(iii) The amount claimed or other relief sought;

(iv) Whether appellant elects a hearing or to rest on the record.

(2) Documentary evidence in support of claims may be filed as exhibits to the petition, but in such event only two copies of each exhibit will be attached to the petition. Such exhibits shall be plainly listed and identified in the petition.

(3) The petition shall be limited to those claims which have been the subject of the decision by the contracting officer.

(h) *Rule 8; answer.* (1) Within 30 days after service of the appellant's petition, counsel for the Government shall prepare and file with the Board an answer thereto.

(2) The answer shall set forth simple, concise and direct statements of the Government's defenses to each claim asserted by the appellant. Each defense shall be stated with as much particularity as is practical.

(3) Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion.

(4) Counsel for the Government shall at the same time file with the Board the following documents, which shall be made a part of the appeal file (paragraph (v) of this section; Rule 22):

(i) A copy of the decision from which the appeal is taken;

(ii) The contract and pertinent plans, specifications, amendments and change orders;

(iii) Correspondence and other data pertinent to the appeal.

(5) Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer, but in such event only two copies of each exhibit need be attached to the answer.

(i) *Rule 9; amendments to pleadings.* At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board may permit a party, within the scope of the appeal, to amend its pleadings upon conditions just to both parties. The Board, in its discretion or upon application, may order that a petition or answer be made more definite.

(j) *Rule 10; extension of time.* The Board may, on application or on its own motion, grant an extension of time for the filing of any document other than the notice of appeal.

(k) *Rule 11; motions to dismiss.* (1) Defenses which go to the jurisdiction of the Board may be raised by motion of either party.

(2) Motions to dismiss for lack of jurisdiction shall be presented to the Board for consideration before proceeding with the case on the merits.

(3) The Board may permit or require such testimony and oral arguments on motions as it determines necessary.

(l) *Rule 12; dismissal by the Board.* The Board may at any time recognize its lack of authority to proceed and may dismiss an appeal on such grounds after affording the parties an opportunity to be heard thereon.

(m) *Rule 13; failure to state a case.* In the event, after completion of the pleadings, the Board finds that appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by setting the case for oral hearing on the merits. Appellant, in such event, will be afforded the opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground, and if appellant so desires to move to amend the petition, within the proper scope of the appeal. If the Board thereafter finds appellant has failed to show cause, and finds that the petition, with such amendments as may be offered by appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

(n) *Rule 14; failure to prosecute.* Should an appellant after filing notice of appeal fail to file a petition within the time prescribed or allowed, the appeal will be dismissed. If the appellant after timely filing of the petition, fails to advise whether he elects to be heard or to rest his case upon the record, the Board will set the case down for hearing.

(o) *Rule 15; withdrawal of appeal.* Subject to approval by the Board, an appeal may be withdrawn at any time by the appellant by filing a written notice.

(p) *Rule 16; settlement by the parties.* Subject to approval by the Board, the

parties may by written stipulation filed in the proceedings settle all or any part of the dispute. In event of partial settlement, an amended petition shall be filed and the remaining issues in dispute shall thereafter be adjudicated as provided in §§ 1.770 through 1.775.

(q) *Rule 17; depositions.* (1) Depositions upon oral examination or upon written interrogatories may be taken by either party and offered as evidence.

(2) Depositions may be taken before any person authorized to administer oaths by laws of the United States or by the laws of the place where they are taken.

(3) Either party may take a deposition by giving 15 days' notice in writing to the opposing party of the time and place where such deposition will be taken. By agreement, depositions may be taken without regard to the notice requirement. The notice shall contain: The name, address and official title of the person before whom the deposition is to be taken; the name and address of the witness; and whether the deposition will be taken on oral examination or on written interrogatories. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice. The opposing party may within 15 days after receipt of the interrogatories serve cross-interrogatories to be propounded to the witness by forwarding them to the person designated to take the deposition and simultaneously forwarding a copy to the opposing party.

(4) Each deposition should show the docket number and the caption of the proceeding, the place and date of taking, the name of the witness and the party by whom called. The person recording the deposition shall certify thereon that it is a true and complete record of the testimony given by the witness.

(5) A deposition taken under the provisions of this rule may be offered in evidence in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections will be passed upon by the Board. Evidence not ordinarily admissible under rules of evidence may be received in the discretion of the Board as provided in paragraph (x)(3) of this section (Rule 24).

(r) *Rule 18; interrogatories to the parties.* Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve stated written interrogatories upon the opposing party.

(s) *Rule 19; prehearing conferences.* The Board, upon its own initiative or upon application, may direct the parties to appear for a conference to consider:

(1) The simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining stipulations as to facts and documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the appeal. At the conclusion of the conference, the Board shall issue such orders as may be appropriate.

(t) *Rule 20; stipulations.* The parties may stipulate in writing as to any facts that are relevant and material to the issues involved, and as to those documents or facts which may be introduced in evidence without formal proof.

(u) *Rule 21; hearing brief.* Not less than 10 calendar days in advance of the hearing, each party shall file with the Board a brief covering all items of its contentions and its intended presentation pertaining thereto, including:

(1) The estimated length of time which will be required for presentation of its case; and

(2) The names, addresses and capacities of persons who will be present in its behalf.

Failure to do so may be deemed sufficient cause for adjournment of the hearing.

(v) *Rule 22; appeal file.* The appeal file or written record in an appeal will consist of the notice of appeal, documents required to be filed pursuant to paragraph (h)(4) of this section (Rule 8), the petition and exhibits thereto, the answer and exhibits thereto, all papers filed by the parties with the Board pursuant to §§ 1.770 through 1.775 and all correspondence between the Board and the parties or their representatives. The appeal file will be available for inspection at the offices of the Board, but may not be removed therefrom except upon approval of a Board member.

(w) *Rule 23; submission without a hearing.* (1) If the appellant elects in its petition to submit its case on the written record, such record may within 30 days of the date of receipt of the answer be supplemented by a written brief.

(2) The Government shall have a period of 30 days from the date of filing its answer within which to file a brief.

(x) *Rule 24; hearings—(1) Notice of hearings.* (i) Hearings will normally be held at the offices of the Board after at least 15 calendar days' notification to the parties. Notice to appellant shall be by certified mail with return receipt required.

(ii) Hearings will be scheduled with due consideration to the date of filing and other factors. On request of either party, the Board may advance the hearing date for good cause.

(2) *Continuances.* Continuances will be granted only upon timely request and for good cause.

(3) *Nature of hearings.* (i) The hearing may be conducted by a panel or by any law member thereof at the discretion of the chairman. The order of introduction of evidence and the calling of witnesses shall be as prescribed by the presiding member.

(ii) The rules of evidence ordinarily observed in judicial proceedings will not be strictly followed. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under rules of evidence, may be received in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be determined by the Board.

(iii) Appellant and Government counsel may offer relevant and material testimony and evidence. The Board reserves

the right to exclude such testimony and evidence as, in its judgment, is improper, of no probative value, or not pertinent to the issues. No testimony or arguments will be permitted with respect to any matter on which a motion to dismiss has been granted by the Board.

(iv) When objections to admissibility of evidence are made during the course of a hearing, the presiding member may then rule thereon or receive the evidence subject to future determination. When a hearing is before a single member, he shall decide on reception of evidence and other interlocutory matters as presiding member.

(v) Issues within the scope of the appeal, not raised by the petition and answer, but heard by express or implied consent of the parties, shall be treated in all respects as if raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues framed by the petition and answer, the Board may allow the pleadings to be amended within the scope of the appeal. The Board may grant a continuance to enable the objecting party to meet such evidence.

(4) *Examination of witnesses.* All witnesses may be examined or cross-examined by the parties, or their representatives, and by the Board. Testimony will be under oath or by affirmation. If the testimony is not given under oath, the Board shall advise the witness that his statements may be subject to the provisions of sections 287, 1001, and 1621, Title 18, United States Code, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(5) *Transcript of proceedings.* Hearings will be reported verbatim. The Government assumes no responsibility for the completeness or accuracy of any transcript, whether by contract reporter or by Government personnel. The Government will not furnish appellants copies of the transcript made by a contract reporter. Copies may be purchased directly from the reporter. When transcripts are prepared by Government personnel, one copy will be furnished the appellant without charge.

(y) *Rule 25; supplementation of the record.* At any time prior to final decision, the Board, upon application of either party, may reopen the appeal record to receive pertinent documentary evidence. The opposing party will be allowed 30 calendar days from receipt thereof to submit a written rebuttal.

(z) *Rule 26; absence of parties.* Should either party fail to appear at the time and place stated in the notice of hearing, the hearing will proceed and the appeal will be deemed as having been submitted without oral testimony or argument on behalf of the absent party.

(aa) *Rule 27; copies of papers.* When books, records, papers, or documents have been received in evidence, true copies may be substituted therefor during or at the conclusion of the hearing.

(bb) *Rule 28; withdrawal of exhibits.* After a decision has become final the Board may, after notice to the other

party, permit the withdrawal of original exhibits. The substitution of true copies may be required by the Board as a condition of granting permission for withdrawal.

(cc) *Rule 29; post-hearing briefs.* A post-hearing brief may be required by the Board of either party or may be submitted by either party at its election. If filed at the election of either party, such shall be done within 30 days after conclusion of the hearing unless a further period is allowed by the Board.

(dd) *Rule 30; decisions of the Board.* (1) Authenticated copies of Board decisions will be forwarded simultaneously to both parties. Decisions of the Board will be available for public inspection at its offices.

(2) There is no further administrative appeal within the Veterans Administration from decisions of the Board.

(ee) *Rule 31; reconsideration by the Board.* (1) Motions for reconsideration may be filed by either party within 30 days from the date of the receipt of its copy of a decision of the Board. Such motions will be granted only upon a showing of material error or on the basis that new and material evidence has been discovered. It shall be incumbent upon the petitioner to state specifically in his motion the grounds upon which he relies.

(2) The opposing party shall have 30 calendar days to file an answer to the motion, and the Board shall rule on the motion without oral argument thereon, unless otherwise ordered by the Board.

(ff) *Rule 32; optional procedure for small appeals—(1) Application.* (i) When the amount actually in dispute, or the dollar value of the relief sought, is \$1,000 or less, the appellant may elect to have the appeal considered and decided under this rule.

(ii) Should the appellant not elect to prosecute an appeal pursuant to the optional procedure for small appeals, this rule shall not apply and the appeal will be considered in accordance with provisions of paragraphs (a) through (ee) of this section (Rules 1 through 31).

(iii) For the purpose of this rule the amount involved shall be considered to be the net amount actually in dispute. If the claim involves or includes a claim for time, the dollar-amount shall be determined by multiplying the number of days in dispute by the rate of liquidated damages specified in the contract.

(iv) If it is determined that the amount involved exceeds or may exceed \$1,000, the parties shall be so informed and the appeal shall be considered in accordance with paragraphs (a) through (ee) of this section (Rules 1 through 31).

(2) *Authority.* Under this rule formal pleadings will not be required. A single law member of the Board, designated by the chairman as hearing member, shall have and exercise the full authority of the Board to conduct the appeal proceedings and, subject to the concurrence of a reviewing member, also designated by the chairman, to decide the appeal. If the two members do not agree on a decision, the chairman will assign the case to a panel for decision.

(3) *Procedure.* The procedure under this rule shall be as follows:

(i) Within 30 days after receipt of the contracting officer's findings of fact, the appellant shall notify the Board in writing of its election to proceed under this rule.

(ii) Appellant's notice of election shall be in duplicate and shall include the following:

(a) A simple statement of the amount and nature of the claim and the relief sought;

(b) A statement of all contentions in support of the appeal;

(c) Documentary evidence in support of the appeal;

(d) A statement as to whether the appellant elects an oral hearing.

(iii) The Board will furnish the contracting officer with a copy of appellant's submission.

(iv) Within 30 days after receipt of appellant's submission the contracting officer shall file with the Board an original and two signed copies of a statement or brief setting forth the Government's contentions in defense of the appeal. The Board will transmit one copy to the appellant by certified mail with return receipt required. The contracting officer will also file with the Board copies of all material documentary evidence in the Government's files. Such evidence will be available for inspection by the appellant in the offices of the Board.

(v) Questions as to lack of jurisdiction of the Board may be raised by either party or by the Board and shall be disposed of as a condition to consideration of the case on the merits.

(vi) If the appellant has not elected a hearing, the appeal will be considered on the record made by the parties under this rule.

(vii) If appellant has elected a hearing, the Board will notify the parties of the time and place. The hearing will be in the nature of an informal conference between the parties, presided over by the hearing member. A transcript of the proceedings will be made.

(viii) The hearing member may require either party to furnish additional information or documents if considered necessary to clarify, explain, or supplement the information contained in the record.

(ix) Decisions shall be as brief as circumstances permit and will be limited to a summary of the facts and conclusions. Copies will be promptly furnished to the parties. Such decisions will not be cited as a precedent.

§ 1.774 Miscellaneous provisions.

(a) *Limitations on award.* The decision of the Board shall not be in an amount, if any, greater than that claimed in the proceedings before the Board nor shall a decision otherwise grant relief greater than that so claimed by the appellant.

(b) *Litigation.* The Board will not proceed with consideration of an appeal if the matter is the subject of a lawsuit to which the United States is a party, unless:

(1) The appellant files with the Board a certified copy of a court order staying or suspending further court proceedings pending completion of administrative action by the Board; and

(2) Clearance is obtained from the Department of Justice for further administrative consideration and final disposition of the appeal.

(c) *Claims pending before the Comptroller General of the United States.* The Board will not proceed with consideration of an appeal while the same matter is involved in a claim pending before the Comptroller General unless clearance is secured.

(d) *Notification by parties.* The parties will promptly notify the Board of any litigation pending or any claim filed in the General Accounting Office, involving any matter in an appeal.

§ 1.775 Effective date.

Sections 1.770 through 1.775 are effective June 1, 1960, and shall apply to all appeals docketed on or after that date. Appeals docketed by the Board prior thereto shall be governed by the regulations in effect preceding June 1, 1960 (§§ 1.750 through 1.756).

(72 Stat. 1114; 38 U.S.C. 210).

This regulation is effective June 1, 1960.

[SEAL]

BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-4913; Filed, May 31, 1960; 8:48 a.m.]

PART 2—DELEGATIONS OF AUTHORITY

Construction Contract Appeals Board

Part 2, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding new §§ 2.62, 2.63, 2.64 and 2.65 as follows:

§ 2.62 The Construction Contract Appeals Board authorized by Administrator to ascertain the facts and circumstances and to render and publish final decisions on appeals entered by contractors from decisions of Veterans Administration contracting officers in accordance with contract terms and §§ 1.770 through 1.775.

This delegation of authority is identical to § 1.771(a) of this chapter.

§ 2.63 The Construction Contract Appeals Board and its individual members authorized by Administrator to take such actions as may be necessary to hear and decide appeals including the administering of oaths and affirmations, the taking of testimony and affidavits, the conduct of hearings, the dismissal of proceedings and ordering the production of documents and other evidence.

This delegation of authority is identical to § 1.771(b) of this chapter.

§ 2.64 The Construction Contract Appeals Board authorized to take official notice of facts within general knowledge and to decide all questions necessary for complete adjudication of appeals.

This delegation of authority is identical to § 1.771(c) of this chapter.

§ 2.65 The Construction Contract Appeals Board authorized to require Veterans Administration contracting officers and other Veterans Administration officials having responsibility for or official knowledge of the design of projects, or the award, administration or supervision of construction or architect-engineer contracts, or of work performed thereunder, to furnish the Board such information, technical data, and similar assistance as the Board may require in the performance of its duties.

This delegation of authority is identical to § 1.771(d) of this chapter.

[SEAL]

BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-4914; Filed, May 31, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER I—MINERAL LANDS

[Circular 2044]

PART 192—OIL AND GAS LEASES

Required Forms of Remittances To Accompany Simultaneous Offers

On page 1877 of the FEDERAL REGISTER of March 3, 1960, there was published a notice of proposed amendment of 43 CFR 192.43(c). The purpose of the proposed amendment was to require that remittances to accompany oil and gas lease offers filed simultaneously pursuant to § 192.43 be made by cash, money orders, certified checks, bank drafts, or bank cashier's checks.

Interested parties were given 30 days within which to submit written comments, suggestions or objections with regard to the proposed amendment. As the result of the comments and suggestions received during that period, the proposed amendment was changed to allow acceptance of an uncertified check to cover the filing fee required to be submitted with each offer. The last sentence of the proposed amendment, as it was published, has been deleted. As changed, the proposed amendment is adopted to read as follows:

Paragraph (c) of § 192.43 is amended to read as follows:

§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.

(c) Each offer to lease must conform with the acreage requirements of § 192.42(d), and must be accompanied by separate remittances to cover payment of the filing fee and payment of the advance rental required by the regulations of this chapter. The remittance covering payment of the advance rental

must be made by cash, money order, certified check, bank draft, or bank cashier's check. The filing fee may be paid by a similar remittance or by uncertified check.

This amendment shall become effective at the beginning of the thirtieth calendar day following the date of this publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4864; Filed, May 31, 1960; 8:45 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2095]

[Sacramento 059131]

CALIFORNIA

Restoration of Public Lands From Power Withdrawal (Project No. 334)

In DA-968-California, issued June 16, 1959, the Federal Power Commission vacated the withdrawal created by the filing of application for preliminary permit for Project No. 334 on August 2, 1922, so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 9 E.,

Sec. 25, lot 1.

Containing 40.62 acres, of which a small fraction has been patented in M.S. 5816.

The lands are located about four miles southeast of Colfax in Placer County.

This order shall not become effective to change the status of the lands until 10:00 a.m. on June 29, 1960. At that time the lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

The lands have been open to application and offers under the mineral leasing laws and to location under the United States mining laws.

The State of California has waived its preference rights of application.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4865; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2096]

[Pierre 026099]

SOUTH DAKOTA

Partially Revoking Stock Driveway Withdrawal No. 208 (South Dakota No. 5)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat.

865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. Stock Driveway Withdrawal No. 208 (South Dakota No. 5), of February 13, 1930, as modified by the Departmental order of March 8, 1930, and as enlarged by the Departmental order of December 1, 1942, is hereby revoked so far as it affects the following-described lands:

BLACK HILLS MERIDIAN

T. 10 N., R. 6 E.,
Sec. 5, lots 1, 2, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 25, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 11 N., R. 6 E.,
Sec. 33, SW $\frac{1}{4}$.
T. 9 N., R. 7 E.,
Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 9 N., R. 8 E.,
Sec. 13, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 15, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 853.82 acres.

2. The lands are located in Butte County, South Dakota, east and north of the Town of Newell. Topography is level to rolling, and soils are generally sandy to rocky gumbo. The lands support a fair cover of native grasses.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on November 22, 1960, the State of South Dakota shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws, other than those from the State, presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

4. Persons claiming preference rights based upon valid settlement, statutory

preference, or equitable claims must enclose properly corroborated statements, in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4866; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2097]

[Idaho 010314]

IDAHO

Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 117)

1. In DA-525-Idaho, issued March 26, 1959, and DA-536-Idaho, issued November 24, 1959, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act, as amended:

BOISE MERIDIAN

T. 11 S., R. 20 E.,
Sec. 4, lots 5, 6, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 5, lot 5.

The areas described contain 145.24 acres.

2. The lands are located in and on the north rim of the Snake River Canyon about six miles southwest of Milner Dam. The topography is undulating to rough and the soils are shallow with numerous lava outcrops.

3. By virtue of the authority vested in the Secretary of the Interior by Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands are hereby opened to location, entry and selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act, supra, and subject to valid existing rights, and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than

those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

4. The State of Idaho has waived its preference right of application under section 24 of the Federal Power Act, and the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, BLM, Boise, Idaho.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4867; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2098]

[Washington 03317]

WASHINGTON

Opening Lands Under Section 24 of the Federal Power Act (Power Project No. 915)

By virtue of the authority contained in Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to Determination DA-156-Washington of the Federal Power Commission issued August 5, 1958, it is ordered as follows:

1. Subject to valid existing rights and the requirements of applicable law, including the provisions of Section 24 of the Federal Power Act, supra, the following-described public lands are hereby opened to application, petition, location, entry and selection under the public land laws:

WILLAMETTE MERIDIAN

T. 40 N., R. 39 E.,
Sec. 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres.

2. The land lies on Sheep Creek and is bisected by the Sheep Creek County road five miles northwest of Northport, Washington. The topography is rough and mountainous and the vegetation is a good cover of coniferous timber.

3. Until 10:00 a.m. on November 22, 1960, the State of Washington shall have a preferred right of application to select the lands in accordance with and sub-

ject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-852), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions under any law or regulation applicable thereto, of any of the lands required for rights-of-way or materials sites, in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended.

4. Other applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than from those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws. They have also been open to location under the United States mining laws pursuant to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4868; Filed, May 31, 1960;
8:45 a.m.]

[Public Land Order 2099]

[Sacramento 055326]

CALIFORNIA

Partly Revoking Stock Driveway Withdrawal No. 161 (California No. 11)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39

Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental order of October 30, 1922, reserving land for use by the general public as stock driveways, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 1 W.,

Sec. 8, NW¼.

T. 34 N., R. 1 W.,

Sec. 12, NW¼NW¼.

The areas described contain 200 acres.

2. The lands are located in Shasta County near the town of Round Mountain, California.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws, subject to the regulations in 43 CFR 185.35-185.36.

4. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4869; Filed, May 31, 1960;
8:45 a.m.]

[Public Land Order 2100]

[78863]

CALIFORNIA

Opening Lands Under Provisions of Section 24, Federal Power Act

1. In DA-942-California issued March 14, 1958, the Federal Power Commission determined that the value of the following described lands, withdrawn in Power Site Reserve No. 655, and Power Projects Nos. 382 and 1009, would not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and subject to the prior right of the licensee for Projects No. 382 and No. 1009, and its successors and power permittees of the Department of the Interior, to use the lands for canal, conduit, and transmission line purposes; and subject to the condition that in the event the lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development, at no cost to the United States, its permittees or licensees:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 32 E.,

Sec. 12, NE¼NW¼ and N¼NW¼SW¼.

Containing 60 acres.

2. The land is near the town of Bodfish in Kern County. Vegetation consists of scrub oak, digger pine, ceanothus, and annual grasses.

3. Subject to any existing valid rights and the requirements of applicable law, including the provisions of Section 24 of the Federal Power Act, supra, and the provisos described in paragraph 1 hereof, and pursuant to authority contained in said act, the lands are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws. They have been open to location under the United States mining laws, subject to the provisos contained in section 1(a) of the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621(a)), which remain applicable.

c. The State of California has waived its preference rights of application under section 24 of the Federal Power Act as amended, and under subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The records of the Manager of the Bureau of Land Management at Sacramento, have been officially noted that the lands are under consideration for small tract classification under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended. Small tract applications received subsequent to 9:30 a.m. on March 10, 1960, the date and hour of notation, will therefore not be accepted, in accordance with the regulations in 43 CFR 257.6e.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4870; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2101]

[Nevada 045177]

NEVADA

Withdrawing Public Lands for Use of the Federal Aviation Agency as Remote Control Air to Ground Communication Facility

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604), as amended, and reserved under jurisdiction of the Department of the Interior for use of the Federal Aviation Agency in the maintenance of air-navigation facilities, under such terms and conditions as may be prescribed by the Bureau of Land Management, Department of the Interior:

MOUNT DIABLO MERIDIAN

In SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 33, T. 1 N., R. 66 E., and in unsurveyed T. 1

S., R. 66 E., all lands within a 1,000 foot radius of the center of a parcel described as follows:

Beginning at a point which is 1,300 feet west and 210 feet south of the south corner common to secs. 33 and 34, T. 1 N., R. 66 E., thence south 230 feet, thence west 170 feet; then north 230 feet; thence east 170 feet to the point of beginning. The southeast corner of this site is 110 feet north of USC&GS BM, Elevation 9,395 feet, on a summit of Highland Peak.

The tract described contains approximately 72 acres.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4871; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2102]

[Sacramento 054502]

CALIFORNIA

Partially Revoking the Reclamation Withdrawal Order of June 3, 1942 (Central Valley Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of June 3, 1942, which withdrew lands in California for reclamation purposes in the first form in connection with the Central Valley Project, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 1, lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$.

The areas described contain 160 acres.

2. The lands are located one mile south of Central Valley in Shasta County, or about five miles north of Redding. The rolling lands of about 750 feet elevation are covered by a vegetative growth of oak, brush and grasses.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights

under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on June 29, 1960.

4. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4872; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2103]

[979813]

CALIFORNIA

Opening Lands Subject to Section 24 of Federal Power Act

1. An order of the Federal Power Commission vacated the withdrawal created by the filing of applications and supplements thereto for license for Federal Power Project No. 78 so far as the following-described lands are affected.

MOUNT DIABLO MERIDIAN

T. 7 N., R. 10 E.,
Sec. 14, lots 3, 4, 13, 15, and 16;
Sec. 36, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 8 N., R. 10 E.,
Sec. 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 9 N., R. 10 E.,
Sec. 1, lots 1 and 6;
Sec. 12, lots 1 and 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, lots 1 and 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, lots 2, 3, and 5.
T. 4 N., R. 11 E.,
Sec. 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 5 N., R. 11 E.,
Sec. 9, lot 3;
Sec. 10, lots 14 and 15.
T. 10 N., R. 11 E.,
Sec. 30, lot 8.
T. 11 N., R. 11 E.,
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 11 N., R. 12 E.,
Sec. 5, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 18, lots 1, 2, 3, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 19, lot 1;
Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 12 N., R. 12 E.,
 Sec. 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
 Sec. 32, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 11 N., R. 13 E.,
 Sec. 25, lots 3, 4, 7, 8, and 9;
 Sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$.
 T. 11 N., R. 14 E.,
 Sec. 25, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 26, S $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 29, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, lots 2, 3, and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 10 N., R. 15 E.,
 Sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$.
 T. 11 N., R. 15 E.,
 Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 12 N., R. 16 E.,
 Sec. 24, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ (Unsurveyed);
 Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ (Unsurveyed).
 T. 9 N., R. 17 E.,
 Sec. 4, lots 3, 4, and 5;
 Sec. 5, lots 5 and 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 8, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 10 N., R. 17 E.,
 Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, lots 2, 3, 4, 5, 6, 7, and 8;
 Sec. 32, lot 1;
 Sec. 33, lots 1 and 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 11 N., R. 17 E.,
 Sec. 1, lot 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 12 N., R. 17 E.,
 Sec. 19, W $\frac{1}{2}$ and SE $\frac{1}{4}$ (Unsurveyed);
 Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Unsurveyed);
 Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Unsurveyed);
 Sec. 30, N $\frac{1}{2}$ (Unsurveyed);
 Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, lots 1 to 14, incl., SW $\frac{1}{4}$ SW $\frac{1}{4}$, and Unsurveyed lands in Echo Lake;
 Sec. 36, lots 1 and 5.
 T. 10 N., R. 18 E.,
 Sec. 18, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1 and 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 11 N., R. 18 E.,
 Sec. 6, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate approximately 9,913 acres.

2. Of the lands described, those in sec. 31, T. 11 N., R. 14 E., have been patented. Much of the remainder is included in other withdrawals for power or reclamation purposes.

3. The following-described lands which are a part of El Dorado National Forest, shall at 10:00 a.m. on November 22, 1960, be open to such forms of disposal as may by law be made of national forest lands, subject to valid existing rights, to applicable regulations, and to the provisions of applicable law:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 11 E.,
 Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 11 N., R. 12 E.,
 Sec. 7, lot 2;
 Sec. 18, lot 1.

T. 12 N., R. 12 E.,
 Sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 11 N., R. 12 E.,
 Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 11 N., R. 13 E.,
 Sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 35, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 11 N., R. 14 E.,
 Sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 11 N., R. 14 E.,
 Sec. 30, lot 2;
 Sec. 35, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 10 N., R. 15 E.,
 Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 21, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$.
 T. 11 N., R. 15 E.,
 Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, S $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 9 N., R. 17 E.,
 Sec. 4, lot 3;
 Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 10 N., R. 17 E.,
 Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, lot 8;
 Sec. 33, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 11 N., R. 17 E.,
 Sec. 1, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 12 N., R. 17 E.,
 Sec. 19, W $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 29, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 11 N., R. 18 E.,
 Sec. 6, lots 1 and 10.

4. Until 10:00 a.m. on November 22, 1960, the State of California shall be entitled to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands described in Paragraph 3 of this order which may be required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4873; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2104]

WYOMING

Revoking the Executive Orders of April 11, 1916 and September 5, 1916, Which Created Petroleum Reserves Nos. 47 and 50

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive orders of April 11, 1916 and September 5, 1916, withdrawing the following-described lands for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States, are hereby revoked:

[607672]

Petroleum Reserve No. 47.

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 103 W.,
 Sec. 1, NW $\frac{1}{4}$;
 Secs. 2 to 10, incl.;
 Sec. 11, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$;
 Secs. 15 to 21, incl.;
 Sec. 22, NW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$;
 Sec. 29, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
 Secs. 30, and 31;
 Sec. 32, W $\frac{1}{2}$.
 T. 18 N., R. 103 W.
 T. 19 N., R. 103 W.
 T. 20 N., R. 103 W.,
 Sec. 7, W $\frac{1}{2}$;
 Sec. 17, SW $\frac{1}{4}$;
 Sec. 18, W $\frac{1}{2}$ and SE $\frac{1}{4}$;
 Secs. 19 and 20;
 Sec. 26, SW $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ and SE $\frac{1}{4}$;
 Secs. 28 to 35, incl.;
 Sec. 36, W $\frac{1}{2}$ and SE $\frac{1}{4}$.
 T. 21 N., R. 103 W.,
 Sec. 29, SW $\frac{1}{4}$;
 Sec. 30, S $\frac{1}{2}$;
 Sec. 31;
 Sec. 32, W $\frac{1}{2}$ and SE $\frac{1}{4}$.
 T. 16 N., R. 104 W.,
 Secs. 1 to 3, incl.;
 Secs. 10 to 16, incl.;
 Secs. 22 and 23;
 Sec. 24, N $\frac{1}{2}$;
 Sec. 26, N $\frac{1}{2}$;
 Sec. 27.
 T. 17 N., R. 104 W.,
 Secs. 1 to 3, incl.;
 Secs. 10 to 15, incl.;
 Secs. 23 to 26, incl.;
 Sec. 35;
 Sec. 36.
 T. 18 N., R. 104 W.,
 Secs. 1 and 2;
 Sec. 3, E $\frac{1}{2}$;
 Sec. 10, E $\frac{1}{2}$;
 Secs. 11 to 14, incl.;
 Sec. 15, E $\frac{1}{2}$;
 Sec. 22, E $\frac{1}{2}$;
 Secs. 23 to 26, incl.;
 Sec. 27, E $\frac{1}{2}$;
 Sec. 34, E $\frac{1}{2}$;
 Secs. 35 and 36.
 T. 19 N., R. 104 W.,
 Secs. 1 to 3, incl.;
 Secs. 10 to 15, incl.;
 Secs. 22 to 27, incl.;
 Secs. 34 to 36, incl.
 T. 20 N., R. 104 W.,
 Secs. 1 to 3, incl.;
 Secs. 10 to 15, incl.;
 Secs. 22 to 27, incl.;
 Secs. 34 to 36, incl.

The areas described aggregate approximately 119,493 acres.

[640376]

Petroleum Reserve No. 50.

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 76 W.,
 Secs. 1 and 2;
 Sec. 3, S $\frac{1}{2}$;
 Sec. 4, S $\frac{1}{2}$;
 Sec. 5, S $\frac{1}{2}$;
 Sec. 6, S $\frac{1}{2}$;
 Secs. 7 to 10, incl.;
 Sec. 11, N $\frac{1}{2}$;
 Sec. 12, N $\frac{1}{2}$ of N $\frac{1}{2}$;
 Secs. 16 to 20, incl.;
 Secs. 30 and 31.
 T. 32 N., R. 77 W.,
 Sec. 2, N $\frac{1}{2}$;
 Secs. 3 to 9, incl.;
 Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 33 N., R. 77 W.,
 Sec. 1, SE $\frac{1}{4}$;
 Secs. 11 to 14, incl.;
 Sec. 15, NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Secs. 22 to 27, incl.;
 Sec. 28, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
 Secs. 33 to 36, incl.

T. 32 N., R. 78 W.,
 Secs. 1 and 12.

T. 24 N., R. 85 W.,
 Secs. 5 and 6.

T. 24 N., R. 86 W.,
 Secs. 1 to 6, incl.

T. 25 N., R. 86 W.,
 Sec. 28, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 29, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Secs. 31 to 33, incl.;
 Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
 Sec. 35, S $\frac{1}{2}$;
 Sec. 36, S $\frac{1}{2}$ S $\frac{1}{2}$.

T. 24 N., R. 87 W.,
 Secs. 1 to 6, incl.

T. 25 N., R. 87 W.,
 Sec. 5, S $\frac{1}{2}$;
 Secs. 6 to 9, incl.;
 Secs. 15 to 22, incl.;
 Sec. 23, W $\frac{1}{2}$;
 Sec. 25, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 26, W $\frac{1}{2}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Secs. 27 to 36, incl.

T. 24 N., R. 88 W.,
 Secs. 1 to 6, incl.

T. 25 N., R. 88 W.,
 Secs. 1 to 6, incl.

T. 26 N., R. 88 W.,
 Sec. 18, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Secs. 30 to 34, incl.;
 Sec. 35, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
 Sec. 36, S $\frac{1}{2}$.

T. 24 N., R. 89 W.,
 Secs. 1 and 2;
 Sec. 3, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 25 N., R. 89 W.,
 Secs. 1 to 5, incl.;
 Sec. 7, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Secs. 8 to 17, incl.;
 Sec. 18, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Secs. 20 to 28, incl.;
 Sec. 29, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Secs. 33 to 36, incl.

T. 26 N., R. 89 W.,
 Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 7;
 Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 9, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 13, S $\frac{1}{2}$;
 Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 Secs. 15 to 20, incl.;
 Sec. 30, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
 Secs. 32 to 36, incl.

T. 26 N., R. 90 W.,
 Secs. 1 to 3, incl.;
 Sec. 4, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Secs. 10 to 14, incl.;
 Sec. 15, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 22, NE $\frac{1}{4}$;
 Secs. 23 and 24;
 Sec. 25, NW $\frac{1}{4}$;
 Sec. 26, NE $\frac{1}{4}$.

T. 27 N., R. 90 W.,
 Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$.

The areas described aggregate approximately 130,691 acres.

The lands were made subject to appropriation, location, selection, entry or purchase, if otherwise available under the nonmineral public land laws, with a reservation of the minerals to the

United States, by the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121). They are either known to be productive of oil and gas or are considered prospectively valuable for oil and gas. Any disposals of the lands, therefore, shall be subject to the reservation required by the act of July 17, 1914. They have been open to applications and offers under the mineral-leasing laws and to locations for metalliferous minerals, subject to provisions of the act of August 13, 1954 (68 Stat. 708; 30 U.S.C. 521, et seq.). They will be open to location for nonmetalliferous minerals under the United States mining laws, including the said act of August 13, 1954, subject to valid existing rights and the provisions of existing withdrawals, at 10:00 a.m. on June 29, 1960.

ROGER ERNST,
 Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4874; Filed, May 31, 1960;
 8:45 a.m.]

[Public Land Order 2105]

[84458]

WASHINGTON

Power Site Cancellation No. 145; Cancelling Power Site Classification No. 73

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, it is ordered as follows:

Power Site Classification No. 73, approved June 3, 1924, which classified the following-described lands for power purposes, is hereby cancelled:

WILLAMETTE MERIDIAN

T. 17 N., R. 7 E.,
 Sec. 4, lots 1, 2, 3, 4, 9, 10, 11, 12, and N $\frac{1}{2}$ S $\frac{1}{2}$.

T. 18 N., R. 7 E.,
 Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ (comprising lots 5, 6, 7, and 8) and S $\frac{1}{2}$.

The areas described aggregate 872.42 acres.

Portions of Section 34 are within the Mount Rainier National Park. The remaining lands are within the Snoqualmie National Forest. The national forest lands at 10:00 a.m. on June 29, 1960, shall be open to such forms of disposition as may by law be made of national forest lands.

ROGER ERNST,
 Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4875; Filed, May 31, 1960;
 8:46 a.m.]

[Public Land Order 2106]

[77771]

CALIFORNIA

Correcting Public Land Order No. 1989 of September 23, 1959

In Federal Register Document 59-8093 appearing as Public Land Order No. 1989 of September 23, 1959, at page 7829 of the issue of September 29, 1959, that

portion of the land description in paragraph 1(b) reading "S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ " is hereby corrected to read "S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ ", and the date for Project No. 249 is corrected to read "September 14, 1921" instead of "April 19, 1923".

ROGER ERNST,
 Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4876; Filed, May 31, 1960;
 8:46 a.m.]

[Public Land Order 2107]

ALASKA

Correcting Certain Public Land Orders

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

[52799]

1. In Federal Register Document 53-1313, appearing as Public Land Order No. 883 of February 3, 1953, at page 827 of the issue of February 10, 1953, the second course of the land description for Tract 1, described as "S. 36°30' W." is hereby corrected to read "S. 36°30' E."

[Fairbanks 012558]

2. In Federal Register Document 57-9437, appearing as Public Land Order No. 1550 of November 7, 1957, at pages 9107-8 of the issue of November 15, 1957, the coordinates of latitude for the Slime Creek Area are corrected to read "latitude 63°30'36" N.", rather than "latitude 69°30'36" N."

[Fairbanks 022950]

3. In Federal Register Document 60-632, appearing as Public Land Order No. 2045 of January 18, 1960, at page 535, of the issue of January 22, 1960, the last two courses given as "S. 21°42' E." and "N. 68°18' E." are hereby corrected to read "S. 21°42' W." and "N. 68°18' W."

[Fairbanks 021329]

4. In Federal Register Document 60-1110, appearing as Public Land Order No. 2048 of January 29, 1960, at page 951 of the issue of February 4, 1960, the third course in the description of Parcel 3, given as "N. 22°05' W." is hereby corrected to read "N. 22°05' W."

ROGER ERNST,
 Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4877; Filed, May 31, 1960;
 8:46 a.m.]

[Public Land Order 2108]

[Anchorage 032892]

ALASKA

Modifying Executive Order No. 2242 of August 31, 1915, and Reserving Certain Lands for Use of the Alaska Railroad for Railroad Purposes

By virtue of the authority contained in the act of March 12, 1914 (38 Stat. 305, 307; 48 U.S.C. 304), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska reserved by Executive Order No. 2242 of August 31, 1915, for townsite purposes in connection with the construction and operation of railroad lines, are hereby reserved for use of the Alaska Railroad for railroad purposes:

East Addition to Anchorage Townsite Block 41-D, containing 2.066 acres.

Executive Order No. 2242 is hereby modified to the extent necessary to permit the use of said lands for the purposes stated.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 25, 1960.

[F.R. Doc. 60-4878; Filed, May 31, 1960;
8:46 a.m.]

[Public Land Order 2109]

[Montana 032361]

MONTANA

Partially Revoking the Executive Order of April 17, 1926, Which Created Public Water Reserve No. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands in Montana:

PRINCIPAL MERIDIAN

T. 24 N., R. 27 E.,
Sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 29 N., R. 33 E.,
Sec. 5, S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 25 N., R. 34 E.,
Sec. 5, SE $\frac{1}{4}$.
T. 26 N., R. 34 E.,
Sec. 13, NW $\frac{1}{4}$;
Sec. 35, NE $\frac{1}{4}$.
T. 27 N., R. 34 E.,
Sec. 26, NE $\frac{1}{4}$.
T. 25 N., R. 36 E.,
Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 32, SE $\frac{1}{4}$.
T. 26 N., R. 36 E.,
Sec. 31, lots 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate 1,434.01 acres.

2. The lands are located 30-35 miles southeast of Malta, Montana in Phillips and Valley counties.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on November 23, 1960, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-852) and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 30, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on November 23, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, BLM, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 25, 1960.

[F.R. Doc. 60-4879; Filed, May 31, 1960;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

[AO-146 A-1]

IRISH POTATOES GROWN IN COLORADO

Decision With Respect to Proposed Amendments to Marketing Agreement and Marketing Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colorado, on February 1-2, 1960, pursuant to notice thereof, which was published in the FEDERAL REGISTER (25 F.R. 353), upon proposed amendments to Marketing Agreement No. 97 and Order No. 58, regulating the handling of Irish potatoes grown in the State of Colorado.

Upon the basis of the evidence introduced at the aforesaid hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 22, 1960, filed with the Hearing Clerk, U.S. Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunities to file written exception thereto was published April 27, 1960, in the FEDERAL REGISTER (25 F.R. 3653).

Rulings. Within the period provided therefor, three exceptions to the proposed amendments to the marketing agreement and order for Irish potatoes grown in the State of Colorado were filed by J. L. Johansen, Jr., Manager for the Proponents of the Amendments. Each exception was given careful consideration in conjunction with the evidence pertaining thereto in arriving at the findings and conclusions set forth herein.

The first exception refers to § 958.23(e) and contends that the handling of common or noncertified seed should be limited to the area, i.e., either Area 1, Area 2, or Area 3, in which such seed is produced. Regulation of the handling of noncertified seed for local planting is provided for under authority for special handling with safeguards related to specific geographic limitations. Upon approval of the Secretary, such handling may be limited in accordance with area committee judgments to each area or to other limited geographic areas. Also to the extent that such handling is in interstate commerce, or directly burdens, obstructs, or affects such commerce, area committees are authorized to recommend appropriate limitations on such handling of noncertified seed to prevent

it from entering tablestock marketing channels. Additionally, with respect to State-wide policies on regulation of special purpose shipments, the proposed order provides that area committees may cooperate for the purpose of administering regulations pertaining to such shipments. Therefore, inasmuch as the terms and conditions of the proposed marketing agreement and order as presently drafted embrace authority for effectuating the objectives of this exception it is found that provision is made therefor. Hence, to the extent that the exception is at variance with the findings and determinations contained herein, it is denied.

Secondly, exception is taken to that portion of § 958.40(b), which provides that area committees, with approval of the Colorado Potato Committee, may recommend issuance of rules by the Secretary requiring inspection on regraded, resorted or repacked lots, or providing for special inspection requirements or relief therefrom on the ground that such recommendations should emanate exclusively from the Colorado Potato Committee. This exception is granted, therefore, the reference to area committees in this section is eliminated by deleting from the first sentence thereof "of area committees with approval."

Thirdly, exception is taken to the requirement for unanimous approval of respective area committees that may be affected by proposed re-establishment of areas, subdivisions thereof or the distribution of representation among such subdivisions, or among marketing organizations as provided for in § 958.53. This exception is granted and the word "unanimous" in the second sentence of this section has been deleted.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to continue exercising Federal jurisdiction;

(2) The need for amending the existing regulatory program to accomplish the declared purposes of the Act;

(3) The identity of the persons and the transactions to be regulated;

(4) The specific terms and provisions of the proposed order, including all those set forth in the notice of hearing and those applicable to:

(a) The definition of terms incidental to and necessary for administering the terms, conditions, and provisions of the proposed order;

(b) The adoption of a marketing policy which limits by means of a General Cull Regulation the handling of potatoes grown in the production area and provision for each area committee to consider and recommend marketing policies for handling potatoes produced in their respective areas;

(c) The methods, in addition to the General Cull Regulations, for limiting the handling of potatoes grown in the production area;

(d) The establishment of authority for issuing minimum standards of quality and maturity;

(e) Authorizations for special consideration for particular market outlets whereby specific demands may be properly supplied, orderly marketing may be established and maintained, and farmers' prices may be improved;

(f) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(g) The authority to establish research and development projects under the proposed order;

(h) The requirements for inspection and certification of the commodity involved;

(i) The establishment, maintenance, composition, powers, duties and operation of administrative agencies for assisting the Secretary in administration of the proposed order;

(j) The authority to incur expenses and to levy assessments on the commodity handled;

(k) The procedure for establishing reporting requirements on handlers;

(l) The requirements of compliance with all provisions of the proposed order and regulations issued pursuant thereto;

(m) Additional terms and conditions as set forth in § 958.80 through § 958.96 and published in the FEDERAL REGISTER (25 F.R. 353; January 15, 1960) which are common to marketing agreements and marketing orders.

(n) Provisions for regulations, rules, or regulations in effect under the present order being maintained in effect until amended, modified, suspended or terminated under the proposed order.

(5) The making of such other changes as may be necessary to conform the proposed order with the purpose and intent of the amendments.

Findings and conclusions. The findings and conclusions pertaining to the aforementioned material issues and based on hearing record evidence are as follows:

(1) Colorado is one of the important potato producing states and has been for a number of years. Potato production is concentrated in three major districts within the state namely, that part of the state west of the Continental Divide commonly referred to as the Western Slope, the San Luis Valley, and the remainder of the state including both the northern district and the Arkansas Valley. For the 1957 Colorado potato crop an estimated 10.8 million cwt. were produced, of which 4,058 carlots were shipped by rail and 15,187 were by truck. Also for the 1958 crop, 13.5 million cwt. was Colorado's estimated production, with 4,843 carlots shipped by rail and 16,530 carlot equivalents by truck.

Carlot unloads of potatoes are reported in 100 U.S. and 5 Canadian cities during 1957 showing 2,319 rail carlot unloads of Colorado potatoes and 5,774 carlot equiv-

alent truck unloads in 39 U.S. cities. Similarly, during 1958, 3,283 carlot rail unloads and 5,673 carlot equivalent truck unloads of Colorado potatoes were reported in these major markets. Chicago, Kansas City, Little Rock, Memphis, New Orleans, Springfield, Missouri, Topeka, Tulsa, and Wichita, Kansas are important out of state market centers for rail unloads of Colorado potatoes. Denver also is an important market within the state and also is a point of re-shipment for potatoes to points outside the production area. Each of the above named cities shows unloads of 100 or more rail cars during the years indicated. Also, Chicago, Dallas, Fort Worth, Kansas City, Missouri, New Orleans, San Antonio, and Wichita are important out of state markets for truck unloads, showing more than 100 carlot equivalents unloaded in each. Denver is an important market for Colorado potatoes, many of which are consumed within the state and a sizable volume is reshipped to markets outside the production area.

Price movement for Colorado potatoes tends to be similar between out of state receiving markets such as Chicago, Kansas City, Dallas, and St. Louis, and the prices reported at shipping point for northern district Colorado and for San Luis Valley shipping points.

Order No. 58 which became effective August 30, 1941, has operated continuously under regulations since 1949. The General Cull Regulation, issued as § 958.301 (14 F.R. 3979) has been effective since July 18, 1949.

Additional grade and size regulations were also issued pursuant to the order for each of the three areas established thereunder during the 1949 season, also for each succeeding season up to and including the 1959-1960 season.

Order No. 58, as issued in 1941, has operated since 1949 in cooperation and coordination with the State of Colorado Potato Marketing Order identified as docket No. A-4. The State has issued rules and regulations, including grade, size, and quality regulations on handling of Colorado grown potatoes which were substantially the same as those issued under the Federal Order. The State program applied within its jurisdiction and the Federal program applied to Colorado potatoes handled under its jurisdiction. It is hereby found that all sales of potatoes grown in the production area which are in the current of the commerce between the production area and any point outside thereof or which are intended for distribution outside of such production area, and all shipments of such potatoes in the current of the commerce between the production area and any point outside thereof, are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce. It is concluded therefore, that the right to exercise Federal jurisdiction is established and the continuing right to exercise such jurisdiction with respect to the proposed order for Colorado potatoes, hereinafter set forth, is established.

(2) Marketing Order No. 58 as issued in 1941 was based on evidence of marketing conditions at that time and provided authorization determined to be necessary and allowable by the then existing terms and provisions of the Act. The intervening two decades have witnessed general and specific changes in supplies, demand, and market conditions for Colorado potatoes. Also, experience in administering the order has indicated the desirability and necessity for changing some of the order's terms and provisions in order to promote orderly marketing and to improve prices for Colorado potato growers. Some of these needs can be accommodated through authority provided by amendments to the Act since Order No. 58 was made effective.

Prices received by Colorado farmers for potatoes have ranged from 42 to 92 percent of the State parity equivalent price during the seasons 1953 through 1959. Inasmuch as the objectives of the Act are to establish and maintain such orderly conditions for agricultural commodities (including potatoes) in interstate commerce as will establish as the price to farmers' parity prices, the need for the proposed order is thoroughly apparent.

It is concluded, therefore, on the basis of the foregoing that adequate need exists for the proposed order as hereinafter set forth.

(3) "Handler" or "shipper" are synonymous and are so defined under the proposed order.

The sale or transportation of potatoes grown in the production area places or has the effect of placing such potatoes in market channels and making them part of the current of the commerce in such potatoes. Prices received by growers for potatoes grown in the production area are directly related to the market structure for, and commerce in, potatoes.

Any person who sells, transports, or in any other way handles potatoes grown in the production area is a handler. Handlers included within the definition set forth in the proposed order are any or all those persons who by reason of their activities place or have the effect of placing such potatoes in interstate commerce, or directly burdening, affecting, or obstructing such commerce.

More than one handler may be involved in the handling of a given lot of potatoes and each such person should be responsible for complying with the terms of the proposed order.

Common or contract carriers transporting potatoes which are owned by another person are performing a handling function or activity inasmuch as they are transporting potatoes, but such handling should not be regulated under the proposed order because such carriers are not responsible for the introduction of such potatoes in the current of the commerce in potatoes. Neither are they responsible for the grades, sizes, qualities, or other similar market factors affecting the commerce in potatoes which they are transporting.

The responsibility for the grade, size, quality, maturity, or pack of such potatoes delivered to a common or contract carrier, with the consequent effect of such sale or transportation upon the market for potatoes and the price of such potatoes to growers, should be borne by the person or persons responsible for delivering such potatoes to the carrier or by the person, including his agent or agents, who cause such potatoes to be delivered to such carriers.

The bulk, estimated at 90 percent or more, of the potatoes marketed from those grown in the production area are customarily handled by established packing houses. Packing house operators obviously would be handlers because their normal activity includes selling or transporting potatoes. However, some potatoes are placed in the current of the commerce and marketed by growers who sell to truckers or others. The grower, by reason of sale of such potatoes, handles them and thereby becomes a handler. Also, the person who transports or is responsible for the transportation of such potatoes handles them and thereby is a handler.

Order No. 58 defined handler as any person who first handles potatoes. It was testified that this limitation was unrealistic since it tended to hold one person responsible for the acts of other persons over whom he had no control. Therefore, this limitation on only the first person handling potatoes is removed under the proposed order so that all persons who sell or transport potatoes are handlers and as such bear the responsibility for complying with program requirements.

Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

"Handle" or "ship" are synonymous as defined in the proposed order. The definition is substantially the same as under the present order.

The usual or customary marketing of potatoes grown in the production area results in the bulk of the marketed crop going through established packing houses. Prior to packing, the potatoes are produced, dug, and harvested. These activities are producer functions included within his capacity as a producer. Immediately following harvest, the so-called early potatoes customarily are hauled to the packing plant and late potatoes to the storage or packing house. The potatoes, upon delivery to the packing plant from the field or storage, are prepared for market by separating them as to grades and sizes, as well as other market factors, then they are offered for sale or delivered on prior sales. The potatoes, as separated into marketable grades, sizes, qualities, maturity, and packs, are sold in existing market outlets, with customary price differentials, as recorded, due to quality and other market factors. These activities and the resulting transportation of potatoes essential to delivery and consummation of

sales contracts encompass the activities involved in the bulk of potatoes grown in Colorado and marketed through the institutional trade or retail outlets.

Seed potatoes are produced under special conditions to insure their positive qualities and freedom from disease which, if properly qualified, are certified to by an appropriate State agency. The marketing process for seed involves much the same activities, especially sale and transportation, by established packing houses and dealers as for potatoes distributed as table stock through institutional and retail outlets.

Some Colorado potatoes also are sold, transported, or otherwise placed in the current of commerce in other manners. At times potatoes immediately following digging are picked up either mechanically or by hand and a separation is made at this time which leaves some potatoes behind and others are placed in containers and transported to market either by rail or truck. Such potatoes sometimes do not go through a packing house and over conventional type grading equipment, however, some grading takes place in that they are prepared for the market in which they are sold. While the amount of potatoes handled in this manner is relatively small, such sales or transportation of potatoes have a direct effect upon the potato market and the prices received by growers for potatoes. It is common practice in some Colorado areas to "field grade" the potatoes so that some separation of sizes takes place, also some poor quality potatoes are thrown out. Potatoes which have been separated into lots as part of the necessary preparation for market are sold or disposed of in various outlets. Some may be held for local sale, or use, while some also may be sold in other fresh market outlets. Also, some may be disposed of for chips, livestock feed, starch, depending upon the favorable returns. The acts of persons making such sales or causing such sales to be made, or of the person who transports, or who causes the transporting of potatoes to market, each constitutes handling of such potatoes.

The movement of potatoes from the field where grown to storage or to chipping plants or other processing outlets, also the similar movements of potatoes from storage to the above outlets, is within the definition of handle because such potatoes are then in commercial market channels affecting growers prices.

The movement to fresh market of potatoes which have been graded is included in the definition of "handle". Also, the movement or sale of potatoes which have been graded, but which are not a part of tablestock supplies, including culls, pickouts, or other off-grade, off-size, or odd type potatoes, is handling. Such movement is included within the activity of transporting potatoes to market, even though the market for livestock feed, starch, or other processing differs from tablestock market outlets. Such transportation is a handling activity. These activities with respect to disposition of off-size or peculiar quality potatoes, or of any Colorado potatoes, in

processing, salvage, or other market outlets are within the definition of "handle" and should be subject to appropriate regulatory authority under the proposed order.

The sale or movement of Colorado potatoes between established dealers or packing houses is a handling activity. So also is the sale or movement of potatoes between shipping point dealers and repacking plants. These activities place or have the effect of placing Colorado potatoes involved therein in the current of the commerce establishing the market structure for potatoes.

On the basis of the foregoing it is concluded that the sale or transportation of potatoes grown in the production area places such potatoes in the current of the commerce in potatoes and that the placing of such potatoes in the current of the commerce is within the definition of "handle" or "ship" in the proposed order to the extent that such commerce is interstate commerce, or it directly burdens, obstructs, or affects such commerce. Therefore, the definition of "ship" or "handle" should be as set forth in the proposed order.

(4) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) The terms "Secretary", "Act", and "person" are used in marketing agreements and marketing orders effective under the statute and indicate, respectively, the officials of the Department of Agriculture who may exercise authority under the proposed order, the official citations of the legal authority for the program, and the identity of the individuals and others embraced within the meaning of the term "person". The use of such terms in the proposed order is essential to the basic framework thereof and should therefore be defined as set forth therein.

"Area" is defined in the proposed order to mean each of the geographical subdivisions of the production area, either as established or as later reestablished under authority of the proposed order. Areas are established, or may be later reestablished, as a basis for administrative jurisdiction by each area committee and for geographically delimiting regulations. The subdivisions of the production area have served adequately and equitably, as well as in accordance with commonly accepted and customary administrative subdivisions for agricultural purposes, in administration of the order since its inception and, particularly, since July, 1949, to the present. These area subdivisions should provide a practical basis for the purposes intended.

The definitions of "potatoes", "producer", and "culls" have proven adequate, equitable, and practical in the past ten seasons' operation of Order No. 58. No change in definition from those set forth in the present order was contemplated, therefore these definitions should be as set forth in the proposed order.

The terms "seed potatoes" or "seed" are commonly used in the production

area. "Seed" or "seed potatoes", a term used to distinguish seed potatoes from tablestock potatoes, should be defined to include only those potatoes grown in the production area which are officially or otherwise appropriately identified by the official Colorado potato seed certifying agency.

"Fiscal period" should be defined to mean the period beginning and ending on the date as recommended by the committee and approved by the Secretary. This definition provides authority for each area committee to recommend the dates for the fiscal period, so that auditing and financial problems may be dealt with realistically, also so it will be possible for the committee to consider budgeting for longer than a 12-month period to facilitate financing long term research projects. The flexibility of the definition as set forth in the proposed order should facilitate operations under the program.

Definitions of "grade", "size", and "maturity" are incorporated in the proposed order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. "Grade", "size", and "maturity", the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms (i) in the official standards for potatoes issued by the United States Department of Agriculture (7 CFR §§ 51.1540 to 51.1556 and §§ 51.1575 to 51.1587), (ii) in the State standards for potatoes issued by the State of Colorado, (iii) in modifications or amendments of such standards, and in variations of such standards by regulations under the proposed order. Regulations under the proposed order can then use such terms with the constant meaning assigned thereto in such standards, or in such modified or amended standards, or such regulations can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing regulations.

The United States Standards for Potatoes provide means for measuring or determining maturity of potatoes. According to the same standards, "mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes. They set forth various skinning classifications. "Maturity" as now used by the industry, and as interpreted by Federal-State inspectors and certified on the basis of such inspections, means the basis, as set forth in the aforesaid skinning classification, or modifications or adaptations thereof, for determining the extent or degree to which any lot of potatoes is mature, or falls short of qualifying as mature potatoes. "Maturity", therefore, should be defined as set forth in the proposed order.

"Varieties" is defined as set forth in the proposed order as a basis for officially distinguishing the characters associated with particular lots of potatoes and their relationship to market reac-

tions. Potato tubers of any variety tend to fall in one or another group showing similar characteristics. Colorado produces numerous varieties of potatoes, several of which are well known and result in specific, distinguishable market reactions. The San Luis Valley produces and is widely known for red skinned potatoes, particularly the Red McClure variety or type. That area also produces some round type potatoes, such as the Cobblers and Kennebec varieties, as well as some long varieties, such as the Russett Burbank. Northern Colorado produces round white varieties, also, such as Cobblers, Kennebecs, and Katahdins, as well as long varieties such as Russett Burbanks and Early Gems. The Western Slope produces both round white and long varieties.

The definition of "varieties" as set forth in the proposed order establishes a commonly accepted and practical basis for administration of the proposed order.

The term "pack" is commonly used throughout the production area by the potato industry and refers to one or more of a combination of factors relating to quantity, grade, size, weight, or container or any combination of these factors. For example, it is a common practice to differentiate packs on the basis of 100-pound packs or 50-pound packs. Differences in packs are also recognized by grade, such as U.S. No. 1 pack or U.S. No. 2 pack. Packs may be recognized by particular sizes such as Size A or Size B pack, or it may be desirable to designate the number of potatoes in a container. For example, potatoes of uniform size may be marketed by count in a carton or box and designated as size 60 or 60 count per carton. It is essential that differentiation should be authorized in the proposed order so that appropriate regulations may be tailored to a particular pack and the marketing demand therefor may be made effective and thereby tend to achieve the declared policy of the act. "Pack" should be defined so as to provide a basis for distinguishing the various sizes of shipping units in which potatoes are packed as well as the contents of the packages in terms of the quantity of potatoes or the grade or size thereof. Accordingly, the term "pack" should be defined as set forth in the proposed order.

"Container" is defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes move to market and for the permissible application of different regulations to such different shipping units. The principal containers used at present in marketing potatoes are burlap bags, paper bags, mesh bags, paper and mesh bags, polyethylene bags, boxes, pallets, and bulk loads.

The definition of "committee" is incorporated in the proposed order to identify the administrative agencies responsible for assisting in the administration of the program. "Committee" means each of the area committees, or the Colorado Potato Committee, as the respective reference in the proposed order may be, which are authorized by the act and which are necessary and in-

cidental to the operation of the proposed order.

"Export" is defined in the proposed order because regulations different than for domestic shipments are authorized thereunder for export shipment. Export markets may have requirements which differ from the domestic markets and special regulations may be justified. "Export" should be defined to include all shipments of potatoes outside the continental United States.

(b) Order No. 58 was promulgated in 1941 on the basis, among other considerations of conclusive evidence, that a General Cull Regulation prohibiting the shipment of cull potatoes to fresh market outlets should be in effect at all times throughout the State of Colorado. This policy has been followed since the order began operations in July 1949 as both required and accepted marketing policy. Experience has proven its soundness in Colorado with potato growers and handlers in that production area subscribe to and support such marketing policies. It is hereby found that growers and handlers desire, and good cause exists for continuation of such policies in the interest of promoting and maintaining orderly marketing for Colorado potatoes. Therefore, it is concluded that the proposed order should provide for establishing a General Cull Regulation throughout the production area, except when it is found, pursuant to Colorado Potato Committee recommendations, or other available information, that such policy and regulations for carrying out such policy should be modified or suspended.

When supply, demand, or price factors for Colorado potatoes warrant consideration of modification or suspension of the General Cull Regulation, the Colorado Potato Committee may consider doing so. Inasmuch as the General Cull Regulation applies to the entire production area, recommendations for modification or suspension thereof for specified periods should rest primarily with the Colorado Potato Committee, as set forth in the proposed order. Such suspensions or modifications may apply to any or all varieties of potatoes but should be for specified periods, so that the established marketing policies with respect to culls shall continue except when expressly and specifically modified or suspended.

Order No. 58 obliges each area committee to submit marketing policy reports in connection with their recommendations for grade, size, or quality regulations. Area committee experience during the 1949 and subsequent marketing seasons has proven these terms and conditions to be satisfactory, acceptable and desirable for the industry, also administratively feasible, beneficial, and appropriate standards for operation. The terms and conditions in the proposed order requiring area committees to submit marketing policy reports to the Secretary in connection with any regulations recommended is found to be incidental to, not inconsistent with, and necessary to effectuate, the other provisions of the order. The guides and standards for considerations to be followed in determining marketing policies

are found to be reasonable and practical, as well as the type of considerations which growers, handlers and others commonly consider in evaluating supply, demand, price, and general market factors affecting potatoes. It is concluded, therefore, that the terms and conditions requiring each area committee to submit marketing policy reports should be as set forth in the proposed order.

(c) Each area committee, also the Colorado Potato Committee, is established as an administrative agency with specified powers and duties in administering the terms and conditions of the proposed order. Important powers and duties are those relating to recommendations for regulations. Each area committee, also the Colorado Potato Committee, has assisted in administration of Order No. 58 through the 1949 and subsequent seasons. Their experience in considering and recommending regulations under Order No. 58 has proven feasible, satisfactory, and necessary both to the industry and to effective administration of the order. It is concluded, therefore, that each area committee, also the Colorado Potato Committee, should have responsibility and authority for recommending to the Secretary any or all regulations as authorized by the terms and conditions of the proposed order.

The declared policy of Congress through the exercise of the powers conferred upon the Secretary of Agriculture under the Act is to establish and maintain such orderly marketing conditions for agricultural commodities, including potatoes, in interstate commerce as will establish, as the prices to farmers, parity prices. The Act, pursuant to this and additional declarations, authorizes certain terms and conditions which may be contained in marketing orders relating, among others, to grades, sizes, or qualities of commodities marketed, inspection requirements, pack or container regulations, and establishment of research and development projects.

Order No. 58 has been administered during the 1949 and subsequent seasons so as to approach the declared policy of establishing parity prices through limitations, as market considerations so determined of grades, sizes, and qualities of Colorado potatoes being marketed. Approximately a decade of such marketing experiences conclusively substantiates, as attested by Colorado growers and shippers, of the need for continuing similar authority under the proposed order. The committees in recommending amendments, as authorized, and committee members selected as witnesses for the industry, testified that authority for limiting the handling of potatoes grown in the production area by grade, size, or quality limitations should be continued, with appropriate modifications offering more flexibility and greater adaptability of operations than heretofore, under the proposed order.

Witnesses, with many years experience as growers, handlers, and committee members, presented substantial evidence on the importance of fresh market, seed, processing, and other market outlets. They emphasized the need for authority in the proposed order to give adequate and comprehensive consideration to the

total quantity and composition of potato supplies, the nature and measure of demand in various types of outlets, and a reasonably effective and balanced consideration to available means for establishing and maintaining orderly marketing conditions for their entire crop not only with a view to accomplishing the purposes of the Act, but also, and within the same declared policy, for maximizing their returns. Substantial evidence is found of the need for the growers and handlers on committees to consider market factors relating to all segments of the supply of Colorado potatoes, the nature and extent of demand for such potatoes in all outlets, and the prices received therefor.

Potato prices in receiving markets, also at shipping points, and, in turn, to producers are directly affected by the quantity and quality of potatoes being sold or transported, and available for current or future sale or transportation during any period. Prices for Colorado potatoes fluctuate from day to day throughout the seasons. Such fluctuations apply not only to receiving markets, but also to shipping point markets, and to prices paid growers. Different prices are paid in receiving markets, also at shipping point for different varieties of potatoes, also for different grades, qualities, sizes, maturities, and packs thereof. In turn, these differentiations in market value attributes of specific lots of potatoes are reflected in growers' prices. Varying packs of different varieties, which reflect not only varietal differences, and also grade, size, or quality, as marketed in different weight, size, count, or container units, reflect market reaction to the methods and manner in which supplies are placed in the current of the commerce in potatoes. Shifts in the quantity of certain grades, sizes, or quality of particular varieties placed on the market are reflected in shifts in prices therefor and in the acceptability of potatoes marketed from the production area.

It is found that price differentials for Colorado potatoes are related directly and specifically to different grades, sizes, qualities, or maturities as they may apply to different varieties of potatoes. Similarly, price differentials also apply to potatoes in different containers, as well as to different sizes of containers, to different packs, to different portions of the production area, to different outlets, and to different portions of the season.

Colorado growers and handlers recognize the price differentials based on the above differences, or any combination thereof. Such recognition not only enters considerations in the marketing of Colorado potatoes, it is found to be an integral, essential part of the marketing process. Colorado potato growers and handlers attempt to market their potatoes in recognition of the reflection on grower prices of receiving market prices, also shipping point prices, for potatoes in an attempt to maximize their returns through the orderly distribution of their crop at the most favorable prices they can get for their commodity.

Industry acceptance of containers and packs currently used for marketing Colorado potatoes is found generally accept-

able. However, experienced industry spokesmen support the need for authority to promote orderly marketing through fixing, when and if necessary, the size, capacity, weight, dimensions or pack of the container, or containers which may be used in the packaging or handling of potatoes, or both.

It is concluded, therefore, that means and methods should be provided in the terms and conditions of the proposed order for adjusting the composition and total quantity of the marketable supply of Colorado grown potatoes during any period. It is further concluded that the terms and conditions contained in the proposed order relating to issuance of regulations provide means and methods of regulating the handling of potatoes as supported by hearing record evidence, which will tend to effectuate the declared purposes of the act.

(d) Area committees should be authorized to recommend and the Secretary to establish, in any period when the season average price for potatoes grown in the production area may be above parity, such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate orderly marketing as will be in the public interest. Some potatoes are of such low quality and undesirable size they do not give consumer satisfaction at any time because of waste and the large amount of time consumed in preparing them. Consumers do not receive proper value for their expenditures for extremely low quality or undesirable sizes of potatoes, so even when prices are above parity, it is not in the public interest, either of the producers, handlers or consumers to permit shipments of such potatoes. Shipments of excessively skinned potatoes also tend to disrupt general marketing conditions for the commodity and the discounted prices received for culls an other low quality potatoes or potatoes of undesirable sizes adversely affect growers' prices. The proposed order should authorize the establishment of minimum standards of quality and maturity which will effectuate orderly marketing in the public interest. It is also necessary that such authority should include grading and inspection requirements so that appropriate and customary means for determining minimum standards of quality and maturity, whenever such regulations are in effect, are administratively available.

The proposed order authorizes the Secretary on the basis of area committee or Colorado Potato Committee recommendations or other available information, to issue various grade, size, quality, pack, maturity, container, or other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area potatoes which are subject to regulations. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate

the declared policy of the Act. Inasmuch as it is found on the evidence, the proposed order should include authority to issue regulations, it is concluded therefrom also that the Secretary should have authority to amend, modify, suspend, or terminate any regulations whenever it is determined, upon the basis of committee recommendations, or other available information, that changes in supplies, demand or prices warrant such action.

The bulk of Colorado potatoes are marketed in carlots or fractions thereof. Some small sales are made occasionally by some handlers, such as to individual householders, to friends, to tourists, or to similar "nuisance" sales outlets. Administrative difficulties in regulating the grade, size, quality, maturity, pack, or type of container for such small sales or shipments, such as the certification that these nuisance sales are inspected and conform to all regulations applicable to carlot shipments, would most probably be uneconomical, not feasible, and impractical in many cases. Therefore, it is concluded that the terms and conditions of the proposed order should authorize amendment, modification, suspension, or termination of regulations, which may be issued upon committee recommendations, or other available information, by the Secretary, to relieve specific, small quantities from any or all limitations or obligations applying to commercial handling of Colorado potatoes.

When the Secretary determines that any regulation does not tend to effectuate the policy of the Act, authority to suspend or terminate such regulation should be included as set forth.

When regulations are issued adequate notice of such regulations should be given to area committees and in turn such committees should give reasonable notice to handlers. The two day limitation on effective date of regulations, except when relieving restrictions, is reasonable and is incorporated in the proposed order.

(e) As hereinbefore found, all market outlets for Colorado potatoes are important to growers and handlers of such potatoes in considering their market plans, in improving marketing conditions, and in improving potato prices with a view to establishing parity prices therefor. It is also found that Colorado potatoes moving to, sold in, or otherwise disposed of in certain outlets, such as those specified in § 958.23 (special purposes) of the proposed order, are usually handled differently than fresh shipments for retail markets, or such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or combinations thereof, than the institutional trade or fresh retail outlets and at different prices.

Some special outlets, such as those enumerated are in the nature of salvage; others involve donations; others also include special consideration of the relief needs of the recipients; others demand, and pay premiums for, special external or internal value attributes of the potatoes, and some do not compete directly with the market for table stock potatoes. Seed potatoes are grown and handled

with special care and attention to their genetic attributes and freedom from disease. These special considerations are reflected in the range of prices growers receive and in the build up of the price structure for Colorado potatoes. Special consideration is given to such outlets by growers and handlers both marketing their own crops and in trading in the potatoes marketed by others.

Colorado potatoes handled for relief or charity do not affect the commercial market to the same degree, if at all, as other table stock shipments. Charity shipments usually are donated. Relief shipments often involve similar considerations. It is concluded therefore, that special consideration and authority for special handling for relief and charity shipments of Colorado potatoes should be contained in the terms and conditions of the proposed order.

Certain outlets for potatoes, such as for livestock feed, offer a market at salvage prices for culls and off-grade and off-size potatoes and other potatoes for which there is no other market. Potatoes moving to these markets are of low value and disposal in any such type of outlet is deemed only a salvage operation by producers and growers, so, it is concluded, authority should be included in the proposed order to allow reflection of industry judgment as to whether such marketings should bear costs of inspection and assessments. Committee members familiar with these markets should be able to recommend and the Secretary to designate such outlets to which production area potatoes may move without payment of assessments or obtaining inspection of such potatoes. However, authority should be contained in the terms and conditions of the proposed order for supervision of the special shipment and marketing of these potatoes through the use of Certificates of Privilege, as hereinafter authorized, to prevent these potatoes, which are free of certain regulations, and of lower quality or less desirable sizes, from competing with potatoes which are subject to limitations for fresh tablestock going for distribution to the institutional trade or through retail outlets.

Export requirements for potatoes differ materially on occasion from domestic market requirements. Certain market outlets, such as Mexico, for example, prefer certain grades, sizes, and qualities of potatoes which usually are discounted on the domestic market. Canada, for example, prefers potatoes of grades, sizes, qualities, and maturities which are more common to our own domestic tablestock market. However, if there should be a demand from export outlets for off-grades and off-sizes for special uses, provisions should be made for dealing with it. Area committees and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments differently depending upon the demands of such outlets.

Although as hereinbefore found, the market for Colorado potatoes is a build up of market prices in various outlets for such potatoes and it is concluded that the terms and conditions of the

proposed order should authorize regulations on handling such potatoes in any outlet, it is also found that the demand for seed potatoes is commonly distinguished from demand for table stock potatoes. Also, special cultural practices are followed in growing potatoes for seed. Special precautionary handling techniques also are followed. Certain sizes may, and frequently do return premium prices in the seed market, whereas similar sizes in the tablestock market are discounted. Order No. 58 has given special consideration to certified seed handling. It is concluded that the terms and conditions contained in the proposed order should provide for special consideration in the handling of seed as defined therein.

Similarly, some potatoes grown within the production area, although perhaps not certified by the State seed certifying agency, are known locally as of above average genetic stock and relatively free from disease. Other local growers often purchase such potatoes for planting as a common and thrifty practice. Within guides, standards, and restraints which may be prescribed by area committees or the Colorado Potato Committee, such practice is deemed appropriate as orderly marketing and devoid of injurious effect upon the market structure for fresh tablestock potatoes. Safeguards assuring that such potatoes should be handled for planting only within specific geographic limits, or handled only within specific parts of the crop year, should be authorized. It is concluded that the terms and conditions of the proposed order should authorize special consideration for potatoes sold within prescribed limitations to insure planting.

The sale or transportation of Colorado potatoes for distribution as fresh potatoes to the institutional trade or through retail outlets has been and continues to be the major market outlet. It is found, however, that the manufacture or conversion of Colorado potatoes into potato products has shown a decided upward trend in the past decade. These products include potato chips and starch. Potatoes in other areas are also converted by dehydration into potato flakes, granules, and cubes. In addition, frozen French fries are an important outlet for potatoes in some areas, while canning is another but considerably smaller market. Witnesses testified at length as to the interest of Colorado growers and handlers in processing markets for their potatoes.

It is found that Colorado chipping interests support the proponents' position in the need for a proposed marketing order to help improve orderly marketing conditions for Colorado potatoes as a means of establishing parity prices to farmers. Chipper contention that the terms and conditions of the proposed order should limit the authority of area committees to recommend and of the Secretary to issue grade, size, quality, or other regulations on potatoes handled for chipping purposes, is found to be without sufficient substance to overcome the conclusion, on evidence found, that growers and handlers should be authorized to market their crop in all allowable

outlets within the terms and conditions of the proposed order.

The San Luis Valley Shippers' Association and various of its members testified that the terms and conditions of the proposed order should be so limited that any potatoes manufactured or converted into products that compete with fresh potatoes should not be of any lesser grade or quality than potatoes sold in fresh market channels. No testimony was presented concerning standards or methods for establishing standards for determining which of these products compete with fresh potatoes or the degree of such competition. Shipper Association witnesses testified in substance that their representations were believed desirable, however, proof of the contribution such limitation would offer for promoting orderly marketing and establishing parity prices to farmers was lacking in sufficient substance to be persuasive.

A brief filed by the San Luis Valley Potato Shippers Association argues that the proposed order will result in discrimination unless the limitations and terms and conditions for which they contend are included in the proposed order. The brief takes the position that the authority for special consideration for shipments of potatoes for processing would grant an exception for processors without any fixed limitation which in essence would extend a special privilege to the processors. In substance, therefore, and by way of eliminating such special privilege the Association argues that all potatoes should be required to meet the same minimum requirements regardless of outlet. Evidence introduced by the Association was to the effect that certain processed products (excluding potato chips and shoestrings) with their long shelf life tend to set, or fix, a ceiling on the fresh market. Consequently, it is argued that in practice the processed potato is in competition with graded fresh potatoes and tends to fix fresh potato prices to the detriment of the grower-shipper. The Association bases its argument on the assumption that if the processor is able to purchase a cull or low grade potato without competition from the fresh shipper for such potatoes he has an unfair advantage in the competition between his end product and fresh potatoes. The Association contends that lower grades, culls and undersized potatoes, have no place in the market either processed or fresh and the authorization of a tolerance to permit shipment is a reversal of policy followed under the Colorado marketing order. They further contend that if the processor does not have to compete with the fresh shipper the processor will pay the lowest price possible for his supplies to the detriment of the growers and shippers.

In actual practice, however, any special privilege would be granted to handlers in general and growers in particular rather than to the processors since the privilege would permit potatoes to be sold or transported to additional outlets. It was testified by the proponents that in order to attain the objectives of the Act (to increase returns to growers) the industry should recognize the fact that

the potato market has changed considerably in the past few years. When Order No. 58 was first promulgated most potatoes were sold in 100-pound sacks usually U.S. No. 1 or U.S. No. 2 grade with a large majority going to the fresh market. Changes in marketing since have required various size containers and variations of established grades and sizes. Also, during the same period the use of potatoes for processing into potato chips, shoestrings, flakes, granules, and other forms has increased materially. Because of the differences in demand from these different outlets for different grades and sizes it is necessary for the industry to adopt the marketing policy necessary to satisfy such demands. By meeting these demands with the type of potato the buyer desires the proponents contend that the best price available is received for the entire crop. Authority is necessary in the proposed order to regulate shipments going to the various outlets since each is a factor affecting the total returns to growers and if some return is realized for potatoes sold or transported to certain outlets which are not detrimental to the table stock market total returns to growers will be increased. It was for this reason that the proponents testified that the privilege of departing from the standard regulations for such outlets was proposed for the benefit of growers. Any direct benefits to particular categories of use or purpose being incidental.

The brief also argues that there is question as to whether the industry can have confidence that the committee will act only in the best interests of the industry. The basis for this argument is the fact that the Secretary is not required to act exclusively on committee recommendations but may take into account other available information. The conclusion by the Association does not recognize the fact that the Secretary's authority is conferred upon him by Congress through the Act and such authority may not be limited by the language of a particular marketing order. Also, it was testified that experience under Order No. 58 has shown that instances of regulatory action without committee recommendation have been extremely rare.

Upon balanced consideration the evidence in support of the contentions of the Association is insufficient to sustain its proposals. On the contrary, and on the basis of the record evidence as a whole, it is concluded that in order to effectuate the declared purposes of the Act, growers and handlers should be permitted to utilize those outlets which will return the best price possible for all of their potatoes and thereby increase the total return for the entire crop. Therefore, to the extent that the proposals of the San Luis Valley Potato Shippers Association are at variance with the findings and conclusions set forth herein and contrary to the terms and conditions of the proposed order they are overruled.

The proponents testified that other purposes should be authorized on the basis that the future might bring forth development of products not now envisaged. For example, when Order No. 58 was issued in 1941 chipping was of

considerably lesser importance than at present, while dehydration of potatoes for flakes and granules was virtually unknown in the American potato market. Therefore, it is concluded that to properly assure opportunities for progressive developments in the potato marketing and to provide opportunities for adaptation of authority for limitation on handling to such developments, other special purposes should be provided for, as set forth.

It is concluded, on evidence found, that the terms and conditions contained in the proposed order relating to handling for special purposes should be as set forth herein to effectuate the purposes of the Act.

Effective administration of Order No. 58 has proven the necessity for assuring that shipments of discounted grades, sizes, qualities, or varieties of Colorado potatoes to any market outlet other than tablestock are in fact distributed in the special outlet intended and kept out of tablestock outlets. Administrative authority for area committees or the Colorado Potato Committee to prescribe, with approval of the Secretary, adequate safeguards to prevent shipments to special outlets from entering market channels contrary to the provisions of such special regulations should be contained in the terms and conditions of the proposed order.

Appropriate authorization for safeguards should include such limitations, or appropriate qualifications on shipments, as might be necessary and incidental to the proper and efficient administration of the proposed order. Such safeguards could include, among others; mandatory inspection requirements so that committees may have an accurate record of the grade, size, quality and maturity of potatoes shipped to special outlets; applications to make such special shipments; reports by handlers on the number of such shipments and the amounts of potatoes shipped; and assurances by the purchasers that the potatoes would be used for the purpose designated.

In order to maintain appropriate identification of shipments of potatoes to special outlets, safeguards may provide for the issuance of Certificates of Privilege to handlers of such potatoes, and in addition, require that such handlers obtain such certificates on all shipments by them to such special outlets. Certificates of privilege issued by committees could serve as an indication of the authority for handlers to make such shipments and as a means of identifying specific shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of area or Colorado Potato Committee recommendations, or other available information, so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

Committees should be authorized by the proposed order to deny as well as to rescind Certificates of Privilege when such action would be necessary to prevent abuse of the exemption conferred

thereby. Committees also should be authorized to exercise the authority necessary and incidental to the proper administration of the proposed order, which should include the authority to rescind or deny such certificates. Such action, however, should be based on evidence satisfactory to the respective committee that a handler to whom a Certificate of Privilege had been issued handled potatoes covered thereby contrary to the provisions of such certificate. The committee should notify applicants promptly with respect to rescinding or denying of any Certificates of Privilege. Likewise, any appeals from committee action with respect to an application or the denial of a Certificate of Privilege should be handled promptly.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificate of Privilege issued by committees in order that the Secretary may retain all rights necessary to carry out the declared policy of the Act. The Secretary should give prompt notice to committees of any action taken by him in connection therewith and committees should currently notify all persons affected by the indicated action.

Each area committee should maintain records relevant to safeguards and to Certificates of Privilege and should submit reports thereon to the Secretary, when requested, in order to supply pertinent information requisite for him to discharge his duties under the Act and the proposed order.

The terms and conditions relating to safeguards authorized for special shipments should be as set forth in the proposed order.

(f) Certain hazards such as excessive moisture, drought, hail, or tornadoes, or frosts may result in potatoes which have hollow heart, growth cracks, secondary growth, internal discoloration, jumbo size, also under-size potatoes, and other adverse quality or size conditions which are beyond the control of growers. Other conditions, such as blight, freezing damage, and dry rot may not be evident until after potatoes have been put in storage. Farmers are close to these problems and are aware of conditions beyond growers' control and, hence, as area committees are composed of producers and handlers experienced in such matters, they can properly advise with respect to such facts and conditions.

These hazards are encountered in the production and storing of potatoes grown in the production area and are beyond the control and reasonable expectation of growers. Because of these circumstances, and to provide equity among producers in administering regulations under the proposed order, it is concluded, on evidence found, that the committee should be given authority to issue exemption certificates to permit qualified applicants to handle their equitable proportion of all shipments from their respective areas. Committees by reason of their knowledge of conditions and problems applicable to the production and storing of potatoes in the various producing regions of the production area

should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate requests for exemption, and to fix the quantity of exempted potatoes which each such applicant may ship. It is reasonable to require all such applicants for exemption to furnish committees with satisfactory evidence to support their applications.

Committees should be authorized by the terms and conditions of the proposed order to recommend rules and regulations governing applications for exemption certificates, for consideration thereof, for establishing basic averages of shippable potatoes under regulations from each area, safeguards for exempted shipments, and appeals from committee decisions. Such rules and regulations would be subject to the Secretary's approval.

(g) Area committees have been sponsoring and promoting research and development projects under State authority for a number of years. The Colorado potato industry wishes, on the basis of hearing record evidence found, to provide in the terms and conditions of the proposed order for authority to establish marketing research and development projects designed to assist, improve, or promote the marketing distribution, and consumption of potatoes. The Colorado industry expresses recognition of a need for development of new markets, both fresh and processing. Marketing research and development projects authorized under the proposed order should allow consideration and approval of projects, and use of funds therefor, directed to studies of quality or size preferences in various distributive channels; quality deterioration and its influence on market prices; processors' preferences and price differentials therefor; and, except for advertising programs, any others relating to marketing or development which, upon review and approval by area committee and the Secretary are determined to be in accordance with the terms and conditions of the proposed order.

(h) Inspection has been a mandatory requirement both under Order No. 58 and under State law during the past decade or more on all Colorado potatoes shipped to fresh or other similar market outlets. Federal or Federal-State Inspection Services have inspected and certified potatoes during this entire period. Reasonable assurances are such service will continue to be available. Colorado potato producers are well acquainted with requirements for inspection and with the services offered. They also are experienced in marketing potatoes under inspection and with the standards used in inspection and certifying Colorado potatoes. Inspection has been available throughout the area and, with reasonable notice, has been and can be given on potato shipments during normal marketing seasons.

Inspection and certification as to grade, size, and quality of potatoes marketed under the proposed marketing order are necessary not only as a matter of State law, but also so that handlers

of Colorado potatoes, committees, and other interested parties can determine if shipments thereof comply with regulations in effect and applicable thereto. However, on record evidence found, it is concluded that the basic requirement for mandatory inspection should be subject to necessary relief therefrom, upon committee recommendations and Secretary's approval, to allow for minimum quantity "nuisance" sales or other handling, special shipments, and for administrative problems associated with repacking, repackaging, out of season or out of ordinary location shipments.

Repacking potatoes at shipping point presents an administrative problem differing somewhat from shipments repacked in terminal markets, such as Denver. Also, proximity of Denver as a repacking center for potatoes produced in northern Colorado, but which may be distributed to market centers either outside or within the production area, may present administrative and compliance problems differing from those associated with similar operations at original shipping point. Also, potatoes from more than one area are marketed in Denver, some of which are repacked for distribution to markets both within and outside the production area. It is concluded, and the industry so requested at the hearing, that rules with respect to inspection requirements to effect compliance or other administrative needs of the proposed order at shipping point or when repacking or regrading should be pursuant to area committee recommendations with approval of the Colorado Potato Committee and Secretary's approval. Authorization of such rules by the Secretary upon area committee recommendations with approval of the Colorado Potato Committee, providing for special inspection requirements, or relief therefrom, on regraded, resorted, or repacked lots is incidental to, and not inconsistent with, and necessary for administration of the other terms and provisions of the proposed order.

Easily ascertainable and visible evidence of inspection on some lots of Colorado potatoes is administratively necessary. Although most Colorado potatoes are marketed in carlots or sizable fractions thereof, some lots are sold or transported in smaller quantities, usually trucks. Some handlers may find it both desirable and practically necessary to obtain inspection on larger lots for later sale in smaller lots. In such instances, it is essential that evidence of inspection should be attached or imprinted on each commercial unit of sale. When potatoes are inspected and certified as a single lot, then identified by seals, stamps, or tags as to such inspection and certification, evidence of inspection in such form should provide adequate and easily ascertainable evidence of inspection. Such procedures would provide more convenient and less expensive inspection services for handlers and both expedite and economize in administration of the proposed order. It is concluded, therefore, that the terms and conditions of the proposed order should provide for identification of inspection not only by requiring, where necessary, that certi-

icates should accompany shipments of Colorado potatoes by truck, but also that alternative evidence of inspection may be provided by means of seals, stamps, tags, or other means of identification.

Inspection certificates are official evidence of the grade, size, quality and additional characteristics of the potatoes in lots covered by inspection at the time it was made. As a basis for trading they offer evidence to buyers and sellers which provide a basis for trading. This evidence is accepted customarily as applying during distribution of shipments from shipping point through receiving markets. Such evidence is satisfactory in most instances for trading and for administrative purposes under the proposed order. Certificates which apply to inspections made weeks previously may no longer reflect properly present quality factors for fresh market shipments and considerations of such administrative problems is essential to effective operations. These considerations should also allow for purposeful conditioning of potatoes to prepare them for marketing in special outlets, such as chips or similar processing. However, it is concluded, from evidence found, that the length of time for which an inspection certificate is valid may be established for administrative purposes under the terms and conditions of the proposed order.

The Federal-State Inspection Service has made copies of inspection certificates on Colorado potatoes available to each area committee for shipments originating in its respective area. This service has been acceptable and feasible both to the inspection service and to area committees. Also, it is essential to administration of the proposed order. It is concluded that such service should be continued under the proposed order.

(i) The administrative agencies established and active in operations under Order No. 58 are the three area committees and the Colorado Potato Committee. These agencies, in the decade or more of operations have proven feasible and practical administratively, also acceptable to the industry in each area as well as throughout the State. Similarly, it is found that the composition of area committees, with one additional producer representative from a newly created district in the San Luis Valley, and the other representatives on such committees, meet industry approval and support, as well as being deemed administratively feasible and practical.

Also, similarly, the terms and conditions relative to alternates, eligibility, nomination and selection, failure to nominate, vacancies, qualification, procedure, and powers accords substantially with administrative operations of Order No. 58 during the past decade or more and the amendments of terms and conditions in the proposed order relating to such sections are concluded, on evidence found, as essential to its effective and efficient operation. Need for changes in committee operation may arise from time to time as producing sections shift production or as marketing organizations develop or decline. Fair and equitable representation on committees is desirable not only by the industry, but also

for effective administration. Authority to reestablish areas or composition of committees is desirable administratively in the interest of simplifying and expediting changes in geographic or functional representation when the industry generally supports such changes. The guides and standards for reestablishment of committees as set forth in the proposed order are found to be adequate and equitable and the terms and conditions set forth therein are considered as incidental to, not inconsistent with, and necessary for administration of the proposed order. Similarly, the provisions for terms of office are supported by experience and are determined to be desirable for effective administration of the proposed order.

The provision for compensation and expenses of committee members follows generally the corresponding terms and conditions of Order No. 58. The change in rate of compensation authorized in the proposed order is found in accordance with industry attitudes and support, because of trends in wage rates and other similar trends in compensation since Order No. 58 was originally issued. Attendance of alternates at committee meetings is deemed desirable as operating policy by the Colorado industry. Accordingly, the terms and conditions of the proposed order so provide.

The fulfillment of certain duties by each area committee and by the Colorado Potato Committee is necessary for discharge of their administrative responsibilities. Most committee duties as set forth in the proposed order are quite obviously essential to effective administration of any organized group such as the administrative agencies of the proposed order. It was recognized in the evidence that the committees' duties as specified are not necessarily all inclusive, for there may be other duties incidental to, not inconsistent with, and necessary for administration of the proposed order which should be assumed when and if necessary to administer properly the proposed order.

The additional duties of the Colorado Potato Committee are similar to those authorized or exercised by it in the past. An additional duty was proposed in the hearing, namely to call joint meetings of area committees on matters warranting exchanges of views, discussions, and joint consideration of mutual marketing or administrative problems. This duty it is found on record evidence, is particularly appropriate for coordinating considerations, recommendations, and regulations among committees and the potato interests within areas throughout the State. It is concluded that such duty is administratively desirable, feasible, reasonable, and should be one of the terms and conditions of the proposed order.

(j) Committee operations necessitate incurring expenses. These expenses, which should be reasonable, include, but should not be limited to, salaries for manager, office and field personnel, research projects, rent for office space and office equipment, supplies and travel expense. Expenses incurred by committees in operating Order No. 58 have been borne by handlers and under the pro-

posed order must, pursuant to requirements of the Act, be borne by handlers. The most practical way of distributing the costs of the program among handlers is to require each handler who first handles potatoes to pay his pro rata share of such expenses for an area committee on the basis of the ratio of his total shipments of potatoes grown in the respective area under the proposed order, as the first handler thereof, to the total of such shipments of potatoes grown in the respective area, by all such handlers, during a particular fiscal period.

Each area committee has operated in the past on a budgeted basis. Good business practices require that committees continue to so operate and each area committee should prepare a budget prior to the beginning of each fiscal period. Such budgets should show estimated income and expenses necessary for the administration of each respective area committee in carrying out its responsibilities and functions in the administration of the proposed order for the fiscal period for which the respective budget is prepared.

The funds to cover the expenses of area committees should be obtained through the levying of assessments on handlers of potatoes grown in the respective areas. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the area committees. The statute also authorizes terms and conditions for marketing orders requiring handlers to pay their pro rata share of necessary expenses. Under this authority area committees in the past have incurred expenses and have provided through levy and collection of assessments for handlers to pay their pro rata share of expenses. To assure continuance of area committee operations, the payment of assessments by handlers should be authorized as a requirement, when necessary, irrespective of suspension or lack of operation of particular provisions of the proposed order. Authorization for advance payments should be as set forth in the proposed order.

Responsibility for payment of assessments on each lot of potatoes must necessarily be known and fixed. Such responsibility has been both known and fixed in the past under Order No. 58. It is both logical and practical, as well as in accordance with common marketing practice in the production area, to impose such liability on the first handler of the potatoes. In most instances, the first handler and the applicant for inspection are the same person. Colorado potatoes customarily are inspected as they are marketed. However, in the event the first handler fails to apply for, and obtain, inspection, this does not in any way cancel his obligation with respect to the payment of assessments.

Assessment rates should be recommended by respective area committees for shipments of potatoes grown in such areas. Assessments should be applied by the Secretary to a specific unit of shipment or its equivalent. For example, assessment rates can be applied to carlot shipments or on a hundredweight basis, or by any other unit of shipment com-

monly used in marketing Colorado potatoes. However, such assessments for a fiscal period should be applied on a uniform rate basis.

Order No. 58 provides for increasing the rate of assessment, if necessary, during or after a fiscal period to cover expenses. It is found that, although no instance has occurred under past operations in which such authority for increasing assessments was used, proponents support continuation of substantially the same authority. It is concluded therefore that the terms and conditions relating thereto in the proposed order should be as set forth.

It is sound business practice to require proper accounting of funds derived in administering the proposed order. Committees should provide periodic reports of fiscal operations. Audit reports should be furnished, when requested by the Secretary at appropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervisions and control of each committee's affairs. Also financial statements which reflect the current fiscal position of committees should be furnished members and alternates and the Secretary at the close of each month. Audit reports and monthly financial statements should also be supplied on request to persons such as producers and handlers, having a valid interest in the contents of such reports. In no case may data of a nature which could be detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal or other reports released.

Except as indicated below, handlers who ship potatoes grown in a particular area should be entitled to a proportionate refund of the excess assessments collected by the respective committee and which remain at the end of a fiscal period, or at the end of such other period as might be deemed appropriate by reason of suspension or termination.

If and when any committee should be required to liquidate its affairs, expenses will necessarily be incurred in the liquidation process. The affairs of the committee to be liquidated might involve a number of years' operations. Therefore, funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period may be carried over into subsequent fiscal periods as a reserve for possible liquidation in the event of the termination of the proposed order.

It is good business practice to provide for unforeseen contingencies. The anticipated potato crop for any season might conceivably be reduced by casualty or disaster, such as prolonged water shortage, hail, or other weather conditions, disease, or by other factors. The net effect of such a crop failure would be to reduce greatly or stop shipments sufficiently to cause discontinuance of regulations and collection of assessments. In order to continue and maintain the nucleus of committee organizations and to assure the performance of a minimum of basic services, committees should have authority to secure needed extra funds to cover expenses of operation during

such a fiscal period. Such funds might reasonably be drawn from the same reserve accrued for purposes of liquidation.

The above reserve might also properly serve another purpose. At the beginning of each fiscal period, a need exists for operating monies at a time when usually little, if any, revenues from assessments are available. It is customary and sensible budgetary practice, and committees should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve will have a threefold use; namely, (i) liquidation, (ii) crop failure advance, and (iii) fiscal year advance. It will be built up over a period of years to equalize the burden among handlers. It is concluded, on the basis of record evidence found, that reserves accrued from excess assessments should be limited to an amount roughly equivalent to the average budget of expenses for two fiscal periods.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of committees should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of a committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments as may be appropriate to vest in their successor or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If any area committee should recommend that its operations should be suspended, or if no regulation should be in effect for a part or all of a marketing season, such committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby committee business could be taken care of during periods of relative inactivity with a minimum of difficulty and expense.

(k) Each committee should have the authority, with the approval of the Secretary, to require handlers to submit such reports and information as may be needed to perform committee functions under the proposed order. Every type of report or kind of information which the committees may require cannot be fully anticipated, but committees should have authority under terms and conditions in this proposed order to request reports and information at such times and in such manner as deemed necessary and including those of types set forth.

The Secretary should retain the right to approve, change, or rescind any requests by committees for information or

reports in order to protect handlers from unreasonable requests therefor.

Any reports and records submitted for administration of the proposed order by individual handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary. Any reported information released by the industry should be on a composite basis and no such release of information may disclose either the identity of handlers or their operations.

If questions arise with respect to the verification of information in the reports submitted under the program, handlers should be required to maintain complete records of their receipts, handling, and dispositions of potatoes for not less than two succeeding years. Evidence shows that handlers usually keep such records for their own business operations for periods of at least two years and no hardship would be imposed by requirements of this type under the proposed order.

(l) Except as provided in the proposed order, no handler should be permitted to handle potatoes, the handling of which is prohibited pursuant thereto; and no handler should be permitted to handle potatoes except in conformity with the proposed order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one or more handlers, although possibly of small impact individually on the industry measured by the proportion of potatoes handled by the respective handler, would be demoralizing to other handlers and would tend to impair operation of the program.

(m) The terms and conditions of § 958.82 through § 958.92 in the proposed order are substantially the same as § 958.70 through § 958.88 of Order No. 58, except for § 958.83(b) and § 958.84(a) (ii) which apply to transition of operations under Order No. 58 to the proposed order. These terms and conditions, as also § 958.93 through § 958.95 of the proposed marketing agreement, are not only common to Marketing Agreement No. 97 and Order No. 58, but also are common to other marketing agreements and orders now operating. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the Act and are necessary to effectuate the declared policy of the Act. Such terms and conditions should, therefore, be included in the proposed marketing agreement and the proposed order.

(n) The General Cull Regulation, also additional rules and regulations for assessments, exemptions, safeguards for special shipments, and committee members are in effect under Order No. 58. To properly insure continuity of operations during the amending process, such rules, regulations, and committee appointments should be continued in effect until modified, amended, suspended, or terminated under the proposed order. The provisions of § 958.83(b) are to apply

to all rules, regulations, and committee appointments effective immediately prior to an effective date for the proposed order. The provisions of § 958.84(a) (ii) set forth authority for terminating, and eliminating, the transitional authority which is necessary primarily during the amending process. Accordingly, it is concluded, that the terms and conditions of § 958.83(b) and § 958.84(a) (ii) should be as set forth in the proposed order.

(5) Amendments relating to the format of the proposed order, with conforming amendments thereto, which are drafted in the interest of clarity, brevity, and efficient administration are obviously desirable. It is concluded that, accordingly, such changes should be made as they are set forth in the terms and conditions of the proposed order.

Rulings on proposed findings and conclusions. At the hearing the Presiding Officer set March 1, 1960, as the final date for the filing of briefs by interested parties and, on February 25, 1960, extended the time for filing briefs to March 7, 1960. Within the prescribed time a brief was filed on behalf of the San Luis Valley Potato Shippers Association by Moses & DeSouchet, Attorneys, Alamosa, Colorado, contending that the proposed order will result in discrimination unless certain proposals submitted by that Association are adopted.

Each point and issue raised by this brief has received careful consideration and has been discussed at length above. For the reasons there stated to the extent that any suggested findings and conclusions contained therein are inconsistent with the findings and conclusions contained herein, the request to make such findings, or to reach such conclusions, is denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The marketing agreement and order, as amended, hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish as prices to producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said marketing agreement and order, as amended, authorize regula-

tion of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a proposed marketing agreement and order upon which a hearing has been held.

(3) The said marketing agreement and order, as amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act.

(4) The said marketing agreement and order, as amended, prescribe, as far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area as defined in said marketing agreement and order, as amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement, as amended, and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in the State of Colorado" and "Order, as Amended, Regulating the Handling of Irish Potatoes Grown in the State of Colorado" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement, as amended, and the aforesaid order, as amended, shall not become effective unless and until the requirement of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order, as amended, which will be published with this decision.

Dated: May 26, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order, as Amended,¹ Regulating the Handling of Irish Potatoes Grown in Colorado

Sec.
958.0 Findings and determinations.

DEFINITIONS

958.1 Secretary.
958.2 Act.

¹ This order, as amended, shall not become effective unless and until the requirements of section 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
958.3 Person.
958.4 Area.
958.5 Potatoes.
958.6 Seed potatoes.
958.7 Handler.
958.8 Handle or ship.
958.9 Producer.
958.10 Fiscal period:
958.11 Grade, size and maturity.
958.12 Varieties.
958.13 Pack.
958.14 Containers.
958.15 Culls.
958.16 Committee.
958.17 Export.

REGULATION

958.20 Marketing policy.
958.21 Recommendations for regulations.
958.22 Issuance of regulations.
958.23 Handling for special purposes.
958.24 Safeguards.

EXEMPTIONS

958.28 Policy.
958.29 Procedure.
958.30 Granting exemptions.
958.31 Investigations.
958.32 Appeal.

RESEARCH AND DEVELOPMENT

958.35 Research and development.

INSPECTION

958.40 Inspection and certification.

COMMITTEES

958.50 Area committees.
958.51 Colorado Potato Committee.
958.52 Alternates.
958.53 Reestablishment.
958.54 Eligibility.
958.55 Term of office.
958.56 Nomination and selection.
958.57 Failure to nominate.
958.58 Vacancies.
958.59 Qualification.
958.60 Compensation and expenses.
958.61 Procedure.
958.62 Powers.
958.63 Duties.

EXPENSES AND ASSESSMENTS

958.75 Expenses.
958.76 Budget.
958.77 Assessments.
958.78 Accounting.

REPORTS

958.80 Reports.

COMPLIANCE

958.81 Compliance.

MISCELLANEOUS PROVISIONS

958.82 Right of the Secretary.
958.83 Effective time.
958.84 Termination.
958.85 Proceedings after termination.
958.86 Effect of termination or amendment.
958.87 Duration of immunities.
958.88 Agents.
958.89 Derogation.
958.90 Personal liability.
958.91 Separability.
958.92 Amendments.

AUTHORITY: §§ 958.0 to 958.92 inclusive, issued pursuant to secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 958.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the rules and practices and procedures governing proceedings to formulate market-

ing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colorado, on February 1-2, 1960, upon proposed amendments to Marketing Agreement No. 97 and Order No. 58 regulating the handling of Irish potatoes grown in the State of Colorado. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) This order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act with respect to Irish potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the Act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) This order, as amended, authorizes regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities classified in, a proposed order upon which a hearing has been held;

(3) This order, as amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act;

(4) This order, as amended, prescribes so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of Irish potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area, as defined in this order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of Irish potatoes grown in Colorado shall be in conformity to and in compliance with, the terms and conditions of this order, as amended, and such terms and conditions are as follows:

DEFINITIONS

§ 958.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority hereafter may be delegated, to act in his stead.

§ 958.2 Act.

"Act" means Public Act No. 10 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 958.3 Person.

"Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

§ 958.4 Area.

"Area" means any of the subdivisions of the State of Colorado as set forth in this section or as reestablished pursuant to § 958.53.

(a) "Area No. 1," commonly known as the Western Slope, includes and consists of the counties of Routt, Eagle, Pitkin, Gunnison, Hinsdale, La Plata, in State of Colorado, and all counties in said State west of the aforesaid counties.

(b) "Area No. 2," commonly known as the San Luis Valley, includes and consists of the Counties of Saguache, Huerfano, Las Animas, Mineral, Archuleta, in the State of Colorado, and all counties in said State, south of the counties enumerated in this definition of Area No. 2.

(c) "Area No. 3" includes and consists of all the remaining counties in the State of Colorado which are not included in Area No. 1 or Area No. 2.

§ 958.5 Potatoes.

"Potatoes" means and includes all varieties of Irish potatoes grown within any of the aforesaid areas.

§ 958.6 Seed potatoes.

"Seed potatoes" or "seed" means any potatoes which have been certified by the official seed certification agency of the State of Colorado and bear the official tags, seals, or other appropriate identification indicating such certification.

§ 958.7 Handler.

"Handler" is synonymous with "shipper" and means any person, except a common or contract carrier of potatoes owned by another person, who handles potatoes.

§ 958.8 Handle or ship.

"Handle" or "ship" means to transport, sell, or in any way to place potatoes in the current of the commerce between the State of Colorado and any point outside thereof.

§ 958.9 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 958.10 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates ap-

proved by the Secretary pursuant to recommendations by an area committee.

§ 958.11 Grade, size and maturity.

"Grade," means any of the officially established grades of potatoes, "Size" means any of the officially established sizes of potatoes, and "Maturity" means any of the stages of development or condition of the outer skin (epidermis) of potatoes, as defined in the United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1556, inclusive of this title) or Colorado grades established by the Commissioner, or amendments thereto, or modifications thereof, or variations based on any of the foregoing.

§ 958.12 Varieties.

"Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 958.13 Pack.

"Pack" means a quantity of potatoes in any type of container, which falls within specific weight limits, numerical limits, grade limits, or any combination of these recommended by the committee and approved by the Secretary.

§ 958.14 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 958.15 Culls.

"Culls" means potatoes which do not meet the requirements set forth in § 958.20.

§ 958.16 Committee.

"Committee" means any of the area committees established pursuant to § 958.50 or the Colorado Potato Committee established pursuant to § 958.51.

§ 958.17 Export.

"Export" means the shipment of potatoes to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

REGULATION

§ 958.20 Marketing policy.

(a) *General cull regulation.* (1) It shall be the marketing policy for the production area to maintain a general cull regulation in effect prohibiting the handling of potatoes for fresh market, except as otherwise provided in this subpart, which do not meet the requirements of the U.S. No. 2, or better, grade, 1½ inches minimum diameter and larger.

(2) Upon recommendation of the Colorado Potato Committee, or on other available information, the general cull regulation may be suspended or modified by the Secretary during a specified period with respect to any or all varieties of potatoes.

(b) *Area marketing policies.* Each season prior to or at the same time as initial recommendations are made pursuant to § 958.21, each area committee shall submit to the Secretary a report setting forth the marketing policy it

deems desirable for the industry to follow in handling the respective area's potatoes during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by an area committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(1) Supply of potatoes by grade, size, quality, and maturity in the respective area, in the production area, and in other areas;

(2) Market prices for fresh potatoes, including grower, shipping point, and terminal market prices by grade, size, and quality in different packs or in different containers;

(3) Market prices for potatoes in other outlets, including growers' and other market price levels by grade, size, and quality;

(4) The trend and level of consumer income;

(5) Establishing and maintaining such orderly marketing conditions for potatoes as will be in the public interest; and

(6) Other relevant factors.

§ 958.21 Recommendations for regulations.

An area committee upon complying with the requirements of § 958.20 may recommend regulations, or modifications, suspension or termination thereof, to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 958.22 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from recommendations and information submitted by an area committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit the handling of particular grades, sizes, qualities, or maturities of any or all varieties of potatoes, or any combination of the foregoing during any period.

(2) Limit the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for different containers, for different packs, for different portions of the production area, for different purposes under § 958.23, or for any combination of the foregoing, during any period.

(3) Provide a method through rules and regulations issued pursuant to this subpart for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both.

(4) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) Any regulation issued hereunder may be amended, modified, suspended, or terminated by the Secretary on recommendations by an area committee, or on other available information, to provide for

(1) Such changes in regulations found necessary by changes in supplies, demand, or prices;

(2) Minimum quantities which should be relieved of regulatory or administrative obligations; or

(3) Relief from regulations no longer tending to effectuate the declared policies of the Act.

(c) The Secretary shall notify each committee of each regulation recommended by it and issued pursuant to this section. The respective committee shall give reasonable notice thereof to handlers. No regulation, except when relieving limitations, shall become effective less than two days after issuance thereof.

§ 958.23 Handling for special purposes.

Upon the basis of recommendations and information submitted by an area committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared purposes of the Act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 958.20 to 958.22, inclusive, or §§ 958.40 or 958.77, or any combination thereof, to facilitate handling of potatoes for:

(a) Relief or charity;

(b) Livestock feed;

(c) Export;

(d) Seed;

(e) Potatoes, other than certified seed, sold to a producer exclusively for planting within specific geographic limits;

(f) Manufacture or conversion into specified products;

(g) Other purposes recommended by the committees and approved by the Secretary.

§ 958.24 Safeguards.

(a) Each area committee, with the approval of the Secretary, shall prescribe adequate safeguards for potatoes handled pursuant to § 958.23 from entering trade channels other than those authorized by regulations and by such rules as may be necessary and incidental thereto.

(b) Such safeguards may include requirements that handlers or processors desiring to handle potatoes pursuant to § 958.23 shall:

(1) Apply for and obtain Certificates of Privilege from the area committee for handling potatoes affected or to be affected under the provisions of § 958.23.

(2) Obtain inspection as required by § 958.40, or pay the assessment levied pursuant to § 958.77, or both, except as modified pursuant to § 958.23 in connection with shipments made under any such certificate; and

(3) Furnish the committee such information, and execute or obtain execution of such documents, as the committee may require.

(c) An area committee may rescind or deny to any handler permission to handle potatoes pursuant to § 958.23 of this subpart if proof satisfactory to the

committee is obtained that potatoes handled by him for a purpose stated in § 958.23 were handled contrary to the provisions of this subpart.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

EXEMPTIONS

§ 958.28 Policy.

Any producer whose potatoes have been adversely affected by acts beyond the control or reasonable expectation of a prudent grower and who, by reason of any regulation issued pursuant to this part, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 958.29 Procedure.

Rules and procedures for granting exemptions may be issued by the Secretary, upon recommendation of area committees. Such rules and procedures may provide for methods of determinations by area committees of average proportions of crops shipped or being shipped in respective areas or subdivisions thereof during any or all portions of a season, for processing applications for exemption, for issuing or denying certificates of exemption, for administrative compliance with certificates issued, for reports by handlers thereon, and for such other procedures as may be necessary to administration hereof.

§ 958.30 Granting exemptions.

An area committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond his control or reasonable expectations;

(b) That by reason of regulations issued pursuant to § 958.20 or § 958.22, the applicant will be prevented as a producer from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof.

(c) Each such certificate issued shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 958.31 Investigation.

An area committee shall be permitted at any time to make a thorough inves-

tigation of any applicant's claim pertaining to exemptions.

§ 958.32 Appeal.

If any applicant for exemption certificates is dissatisfied with the determination by an area committee with respect to his application, he may file an appeal with the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal.

RESEARCH AND DEVELOPMENT

§ 958.35 Research and development.

The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

INSPECTION

§ 958.40 Inspection and certification.

(a) During any period in which the handling of potatoes is regulated pursuant to § 958.20 through § 958.24, inclusive, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or a Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved of such requirements by § 958.22(b), § 958.23, or § 958.40(b).

(b) Rules may be issued by the Secretary, upon recommendation of the Colorado Potato Committee requiring inspection on reggraded, resorted or repacked lots, or providing for special inspection requirements or relief therefrom. Such rules may provide distinctions, insofar as practical, between handling at shipping point and handling in receiving markets within the production area.

(c) Upon recommendation of an area committee and approval by the Secretary, any or all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) Area committees with the approval of the Colorado Potato Committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other

means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

COMMITTEES

§ 958.50 Area committees.

A committee is hereby established as an administrative agency for each area. Each area committee shall be comprised of members and alternates as set forth in this section or as reestablished by § 958.53.

(a) Area No. 1 (Western Slope): Four producers and three handlers selected as follows:

Two (2) producers and one (1) handler from the counties of Eagle, Garfield, Pitkin, Moffat, and Routt, in the State of Colorado;
Two (2) producers and one (1) handler from the remaining counties of Area No. 1;
One (1) handler representing all producers' cooperative marketing associations in Area No. 1.

(b) Area No. 2 (San Luis Valley): Seven producers and five handlers selected as follows:

Three (3) producers from Rio Grande County;

One (1) producer from Saguache County;
One (1) producer from Conejos County;
One (1) producer from Alamosa County;
One (1) producer from all other counties in Area No. 2;

Two (2) handlers representing all producers' cooperative marketing associations in Area No. 2;

Three (3) handlers representing handlers in Area No. 2 other than producers' cooperative marketing associations.

(c) Area No. 3: Five Producers and four handlers selected as follows:

Three (3) producers from Weld County;
One (1) producer from Morgan County;
One (1) producer from the remaining counties of Area No. 3;

Four (4) handlers from Area No. 3.

§ 958.51 Colorado Potato Committee.

The Colorado Potato Committee is hereby established consisting of six members, with alternates. Two members and alternates shall be selected from each area committee. Committeemen shall be selected by the Secretary from nominations of area committee members or alternates.

§ 958.52 Alternates.

(a) For each committee member there shall be an alternate who shall have the same qualifications. During a member's absence, or when called upon to do so in accordance with the terms hereof, or in the event of a member's death, removal, resignation, or disqualification, an alternate shall act in his place and stand until the member's successor is selected and has qualified.

(b) Area committees, with the Secretary's approval, may provide through rules for members or for alternates to recommend regulations for early crop potatoes or for late crop potatoes and to specify the particular crop for which each group shall be responsible.

§ 958.53 Reestablishment.

Areas, subdivisions of areas, the distribution of representation among the subdivision of areas, or among marketing organizations within respective areas may be reestablished by the Secretary upon area committee recommendations. Upon approval thereof of respective committees affected thereby, areas may be reestablished. In recommending any such changes, the committee shall consider (a) the relative importance of new producing sections, (b) relative production, (c) changes in marketing organizations and their relative status in the industry, (d) the geographic locations of producing sections as they would affect the efficiency of administration of this part, and (e) other relevant factors.

§ 958.54 Eligibility.

Area committee members and alternates shall be individuals who shall be residents of, and producers or handlers, as the case may be, in the respective area. Also, each member or alternate to qualify as a representative (a) for producers shall be a producer, or an officer or employee of a producer; (b) for producers' cooperative marketing associations shall be members or employees of such associations; or (c) for handlers other than cooperative marketing associations shall be a handler, or an officer or employee of a handler.

§ 958.55 Term of office.

The term of office of each area committee member and alternate shall be for two years. The term of office for Colorado Potato Committee members and alternates shall be for one year. The dates on which terms of office for each committee shall begin and end shall be established by the Secretary pursuant to respective committee recommendation. Terms of office of area committee members shall be arranged so that approximately one-half shall terminate each year. Determination of which initial members and alternates shall serve for one year or two years shall be by lot.

§ 958.56 Nomination and selection.

(a) Each area committee shall hold or cause to be held, not less than 15 days prior to the expiration date of respective terms of office, meetings of producers and handlers for each subdivision in which terms expire or in which vacancies otherwise occur.

(b) At each such meeting one or more nominees shall be designated for each impending vacancy as member or alternate. Such designation may be by ballot or by motion at the option of those present in voting capacity.

(c) Only producers may participate in designating producer nominees; only handlers may participate in designating handler nominees; and only duly authorized representatives of producers' cooperative marketing associations may participate in designating nominees to represent such associations. If no separate representation is provided for producers' cooperative marketing associations, duly authorized representatives of such associations may participate in designating handler nominees.

(d) Each producers' cooperative marketing association shall be entitled to cast only one vote in designating nominees to represent such associations. Each producer and each handler shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(e) If a producer, handler, or producers' cooperative marketing association is engaged in producing or handling potatoes in more than one area, or in more than one subdivision of an area, such producer, handler, or producers' cooperative marketing association shall elect the area or subdivision in which he may participate in designating nominees. In no event shall there be participation in more than one area or subdivision.

§ 958.57 Failure to nominate.

If nominations are not made pursuant to the provisions of § 958.56 by the date provided therein, the Secretary may, without regard to nominations, select members and alternates on the basis of the representation provided for in this part.

§ 958.58 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of a member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made pursuant to § 958.56, from previously unselected nominees on the current nominee list, or from other eligible persons.

§ 958.59 Qualification.

Each person selected as a member or as an alternate shall qualify by promptly filing a written acceptance with the Secretary.

§ 958.60 Compensation and expenses.

(a) Members of each area committee and their alternates shall serve without salary, but may be compensated at a rate not in excess of \$10.00 per day while engaged on committee business, and may be reimbursed for necessary expenses actually incurred while so engaged. At the discretion of an area committee, alternates may be requested to attend any or all committee meetings and receive compensation and expenses therefor regardless of attendance by the respective members.

(b) The compensation and expenses of members and alternates of the Colorado Potato Committee shall be paid by the respective area committee they represent.

(c) Such other expenses as may be incurred by the Colorado Potato Committee pursuant to a budget of expenses approved by the Secretary shall be allotted to, and paid by, one or more of the area committees as may be specified in an order issued by the Secretary pursuant to the provisions of this subpart.

§ 958.61 Procedure.

(a) A majority of all members of a committee shall be necessary to constitute a quorum or to pass any motion or approve any committee action.

(b) Each committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, telephone, or other means of communication, provided that any such vote cast orally shall be confirmed promptly in writing. If any assembled meeting is held all votes shall be cast in person.

§ 958.62 Powers.

Each committee shall have the following powers:

(a) To administer the provisions of this subpart as specified herein;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 958.63 Duties.

(a) Each committee shall:

(1) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable;

(2) Act as intermediary between the Secretary and any producer or handler;

(3) Appoint such employees, agents and representatives as it may deem necessary and determine the salaries and define the duties of each;

(4) Keep minutes, books, and records which clearly reflect all its acts and transactions. Such minutes, books and records shall be subject to examination at any time by the Secretary;

(5) Furnish promptly notices of meetings, copies of the minutes of each committee meeting, and such other reports or information as may be requested by the Secretary, including annual reports of each area committee's operations for the preceding marketing season or fiscal period;

(6) Make available to producers, and to other area committees and the Colorado Potato Committee the committee's voting record on recommended regulations and other matters of policy;

(7) Meet jointly with other area committees when requested to do so by the Colorado Potato Committee;

(8) Consult, cooperate, and exchange information with other area committees, with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives;

(9) Take any proper action necessary to carry out the provisions of this subpart; and

(10) Cause the books of the committee to be audited by a competent accountant at least once each fiscal period.

(b) The Colorado Potato Committee shall also:

(1) Supervise the regulation of shipments pursuant to the provisions of the general cull regulation in the absence of more restrictive regulations, and shall cooperate with any area committee in administering any regulation issued pursuant to this subpart;

(2) Make recommendations to the Secretary with respect to suspending or modifying the provisions of the general cull regulation;

(3) Make available to area committees its voting record on recommendations for modification of the cull regulation and other matters of policy;

(4) Submit to each area committee such available information as may be requested; and

(5) Call joint meetings of area committees on matters requiring consideration of statewide marketing policies when requested to do so by an area committee.

EXPENSES AND ASSESSMENTS

§ 958.75 Expenses.

Each area committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for purposes determined to be appropriate for administration of this part. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 958.76 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, each area committee shall prepare an estimated budget of income and expenditures necessary for its administration of this part. Each area committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. Each area committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 958.77 Assessments.

(a) The funds to cover each area committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes under this part, shall pay assessments to his respective area committee upon demand, which assessments shall be in payment of such handler's pro rata share of the area committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of each area committee's budget, recommendations, and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period each area committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes grown within the particular area where an area committee recommends such increase

and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of each area committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(e) In order to provide funds to enable each area committee to perform its functions under this part, handlers may make advance payment of assessments.

§ 958.78 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected.

(2) An area committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve are less than approximately two fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses; (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses; (iii) to defray expenses incurred during any period when any or all provisions of this subpart are suspended or are inoperative; (iv) to cover necessary expenses of liquidation in the event of termination of this subpart. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by an area committee pursuant to the provisions of this part shall be used solely for the purposes specified herein. The Secretary may at any time require an area committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of an area committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to such committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) Each area committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations

are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for such committee.

REPORTS

§ 958.80 Reports.

Upon request of an area committee or of the Colorado Potato Committee through an area committee, each handler within the respective area of such area committee shall furnish to the area committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to the following examples:

(1) The quantities of potatoes received by a handler during any or all periods of a season;

(2) The quantities disposed of by him, segregated as to quantities subject to regulation, and where necessary segregated as to types of outlets and special or modified regulations applicable to alternative outlets, and including quantities not subject to grade, inspection, assessment, or other similar regulations;

(3) The date of each such disposition and the identification of the carrier transporting such potatoes;

(4) Information essential to identification of any or all specific quantities, lots, and disposition of potatoes handled under §§ 958.23 to 958.30, inclusive, which may include identification of inspection certificates, exemption certificates, certificates of privilege, or other appropriate identification, including the destination of each special shipment, where necessary.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 958.81 Compliance.

Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 958.82 Right of the Secretary.

The members of each area committee (including successors and alternates) and any agent or employee appointed or

employed by any committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of each committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 958.83 Effective time.

(a) The provisions of this subpart or any amendments thereto shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All regulations and rules, including the General Cull Regulation effective July 18, 1949 (§ 958.301; 14 F.R. 3979), issued pursuant to the order (this part) and in effect immediately prior to the effective date of the order as amended (this part), and not in conflict with the amended order, shall continue in effect under this subpart, until such regulations and rules are changed, modified, or suspended. Also, all committee members and alternates selected pursuant to the order and occupying a term of office immediately prior to the effective date of the order as amended, shall continue in office under the amended order until their successors have been selected and have qualified.

§ 958.84 Termination.

(a)(1) The Secretary may at any time terminate any or all provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The provisions of § 958.83(b) may be terminated when its purpose has been attained.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, as determined by the Secretary have been engaged in the production of potatoes for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such potatoes produced for market.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 958.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of each area committee shall continue as joint trustees for the purpose of liquidating the affairs of their respective area committee of all funds

and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of said committees and of the trustees, to such person as the Secretary may direct; and shall upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in said committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by an area committee or its members pursuant to this section shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 958.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart; or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 958.87 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 958.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 958.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 958.90 Personal liability.

No member or alternate of any committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others,

in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 958.91 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 958.92 Amendments.

Amendments to this subpart may be proposed from time to time by a committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who are engaged in the State of Colorado in the production of Irish potatoes for market, and who marketed such Irish potatoes during the period June 1, 1959 through May 31, 1960 (which period is hereby determined to be a representative period for the purpose of such referendum), to determine whether such producers approve or favor the issuance of amendments to Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado; and said order, as amended.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176).

J. W. Gannaway, W. J. Cremins and K. W. Schaible, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order, as amended, may be examined in the office of the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., or at those places in the production area (State of Colorado) announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said order, as amended, may be obtained from any referendum agent and any appointee hereunder.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 26, 1960.

CLARENCE L. MILLER,
Assistant Secretary of Agriculture.

[F.R. Doc. 60-4889; Filed, May 31, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-FW-12]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2344 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering modification of the Gulfport, Miss., control zone. The present Gulfport control zone includes the airspace within a 3-mile radius of the Gulfport Municipal Airport and within 3 miles either side of a direct line extending from the Gulfport Municipal Airport to the Keesler Air Force Base, Biloxi, Miss., excluding the portion which coincides with the Biloxi control zone. The Gulfport control zone is only designated during the period 0001 c.s.t., June 1 to 2400 c.s.t. September 15 annually. It is proposed to designate the Gulfport control zone on a continuous basis and to enlarge the Gulfport control zone to include the airspace within a 5-mile radius of the Gulfport Municipal Airport and within 2 miles either side of the Gulfport VOR 325° True radial extending from the 5-mile radius zone to a point 12 miles northwest of the Gulfport VOR. This modification of the Gulfport control zone would provide protection for aircraft conducting IFR approaches and departures at the Gulfport Municipal Airport.

If this action is taken, the Gulfport, Miss., control zone would be redesignated within a 5-mile radius of the Gulfport Municipal Airport (latitude 30°24'25" N., longitude 89°04'20" W.) and within 2 miles either side of the Gulfport VOR 325° True radial extending from the 5-mile radius zone to a point 12 miles northwest of the Gulfport VOR, excluding the portion which coincides with the Biloxi, Miss., control zone (§ 601.2132).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made

by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-4858; Filed, May 31, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-55]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1394 of the regulations of the Administrator, the substance of which is stated below.

The Westhampton Beach, N.Y., control area extension includes the airspace centered on the Suffolk County AFB TVOR 039° True radial extending from the airport 5 statute mile radius zone boundary to a point 27 statute miles northeast thereof and having a width of 2 statute miles at the control zone boundary expanding to a width of 4.6 statute miles at a point 27 statute miles northeast of the control zone boundary. The Federal Aviation Agency has under consideration modification of the Westhampton Beach control area extension by enlarging it to include additional airspace north-northeast of the Hampton, N.Y., VOR and to include the airspace with the Gardiner's Island, N.Y., Restricted Area (R-19). This modification would provide protection for aircraft conducting instrument approaches to the Suffolk County Air Force Base. The airspace within Restricted Area (R-19) would be utilized for the air traffic management of aircraft operating between Hampton VOR and Norwich, Conn., VOR during the period when Restricted Area (R-19) is not in use.

If this action is taken, the Westhampton Beach, N.Y., control area extension would be redesignated to include the area

north-northeast of the Hampton, N.Y., VOR bounded on the west by the New York, N.Y., control area extension (§ 601.1066), on the northwest by VOR Federal airway No. 16, on the north by VOR Federal airway No. 130, on the northeast and southeast by VOR Federal airway No. 139. The portions of this control area extension which lie within the Westhampton Beach, N.Y., (Suffolk County AFB) Restricted Area/Military Climb Corridor (R-545) and within the Gardiner's Island, N.Y., Restricted Area (R-19) shall be used only after obtaining prior approval from the controlling agencies concerned.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-4859; Filed, May 31, 1960;
8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-FW-105]

RESTRICTED AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.51 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the De-

partment of the Army to modify the Fort Hood, Tex., Restricted Area (R-219). The Fort Hood Restricted Area is an area of approximately 250 square miles located in central Texas, southwest of Waco, utilized by the Department of Army for small arms, tank cannon, artillery and rocket firing. The time of designation is continuous. The controlling agency is the Commanding General, Fort Hood, Tex. It is proposed to modify the Fort Hood Restricted Area in order to place the Fort Hood Airport outside of the Restricted Area. It would then be possible to designate the controlled airspace necessary to provide protection for aircraft conducting instrument approaches to the Fort Hood Airport. In addition, the boundary of the Restricted Area would be modified and extended towards the northwest so as to provide additional space for the containment of gunnery and rocket firing. This modification would reduce the size of the Fort Hood Restricted Area by approximately 25 square miles.

If this action is taken, the Fort Hood, Tex., Restricted area (R-219) (Austin Chart) would be designated as follows:

Description by geographical coordinates:

Beginning at latitude 31°06'07" N., longitude 97°32'45" W.;
thence northwest to latitude 31°09'00" N., longitude 97°41'15" W.;
north to latitude 31°09'45" N., longitude 97°41'15" W.;
West to latitude 31°09'45" N., longitude 97°43'15" W.;
southwest to latitude 31°08'45" N., longitude 97°43'30" W.;
west to latitude 31°08'45" N., longitude 97°47'15" W.;
northwest to latitude 31°15'00" N., longitude 97°50'45" W.;
north to latitude 31°19'15" N., longitude 97°50'45" W.;
northeast to latitude 31°23'25" N., longitude 97°47'40" W.;
southeast to latitude 31°22'30" N., longitude 97°42'45" W.;
southwest to latitude 31°12'45" N., longitude 97°30'45" W.;
southwest to point of beginning.
Designated altitude. Surface to 33,000 feet MSL.

Time of designation. Continuous.
Controlling Agency. Commanding General, Fort Hood, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The

proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-4860; Filed, May 31, 1960;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal To Amend the Definition of Small Business for the Trucking and Warehousing Industry for the Purpose of Government Procurements and SBA Business Loans

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for the trucking and warehousing industry for the purpose of Government procurements and SBA business loans, as contained in the Small Business Size Standards Regulation (Revision 1), as amended, (24 F.R. 3491, 5628, 7458, 9329).

The present definition of small business for the trucking and warehousing industry, for the purpose of Government procurements, is 500 or less employees. The proposed amendment would change the definition so that a small business in this industry will be defined as a concern which has annual receipts of \$3,000,000 or less for its preceding fiscal year.

The present definition of small business for the trucking and warehousing industry, for the purpose of SBA business loans, is a concern which has annual receipts of \$3,000,000 or less. It is proposed to amend this definition so that the language contained therein will be identical to the definition for small business for the trucking and warehousing industry for the purpose of Government procurements.

Both definitions include, but are not limited to, household movers, freight carriers, booking and hauling agents and other similar businesses. The requirements that a concern must be independently owned and operated and that affiliates must be included in determining the annual receipts of a company remain unchanged.

Interested persons may file with the Small Business Administration within 30

days after publication in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the new definition.

All correspondence shall be addressed to:

Donald A. Hipkins, Deputy Administrator, Small Business Administration, Washington 25, D.C.

It is proposed to change the definition of small business for the trucking and warehousing industry, for the purpose of Government procurements and SBA business loans, as follows:

The Small Business Size Standards Regulation (Revision 1), as amended (24 F.R. 3491, 5628, 7458, 9329) is hereby further amended by:

1. Adding new § 121.3-8(a)(7) as follows:

§ 121.3-8 Definition of small business for Government procurement.

(a) * * *

"(7) *Trucking and warehousing industry.* Any business concern in the local and long distance trucking and warehousing industry (including household movers, freight forwarders, booking and hauling agents and other similar businesses) is small if its annual receipts for the preceding fiscal year are \$3,000,000 or less.

2. Deleting § 121.3-10(h) and substituting in lieu thereof, the following new § 121.3-10(h):

§ 121.3-10 Definition of small business for SBA business loans.

* * * * *

(h) *Trucking and warehousing.* Any business concern in the local and long distance trucking and warehousing industry (including household movers, freight forwarders, booking and hauling agents and other similar businesses) is small if its annual receipts for the preceding fiscal year are \$3,000,000 or less.

PHILIP McCALLUM,
Administrator.

MAY 17, 1960.

[F.R. Doc. 60-4881; Filed, May 31, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

MILLFEED SHORTS FROM CUBA

Notice That There Is Reason To Believe or Suspect Exporter's Sales Price Is Less or Likely To Be Less Than Foreign Market Value

- MAY 25, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the exporter's sales price of millfeed shorts imported from Cuba is less, or likely to be less, than the foreign market value, as defined by sections 204 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 163 and 164).

Customs officers are being authorized to withhold appraisement of entries of millfeed shorts from Cuba pursuant to section 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-4894; Filed, May 31, 1960;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9934]

WHEELING-NEW YORK NONSTOP

Notice of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on June 15, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 26, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-4895; Filed, May 31, 1960;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2217]

EDEN RIDGE HYDROELECTRIC PROJECT, PACIFIC POWER AND LIGHT CO.

Notice of Land Withdrawal; Oregon

MAY 24, 1960.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as

amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States are included in power Project No. 2217 (Eden Ridge Hydroelectric Project) for which application for license was filed January 29, 1960, by the Pacific Power and Light Company, Public Service Building, Portland 4, Oregon. Under said section 24 these lands are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The area reserved by the filing of the application for this project is approximately 7,400.22 acres; all of which are within the Siskiyou National Forest and approximately 1600.66 acres of which are Revested O & C lands.

WILLAMETTE MERIDIAN—OREGON

All of the following described subdivisions lying within the boundaries of the project as delimited on map exhibit K, entitled "Project No. 2217, Oregon, Eden Ridge Hydroelectric Project, South Fork Coquille River, Property Map, Project Boundary, and Profile, Pacific Power and Light Company, Portland, Oregon, FPC 3208 A-2-4" (FPC No. 2217-6).

Revested Oregon and California Railroad Lands

T. 32 S., R. 11 W.,
Sec. 17: Lots 3, 4, 5, 6, 7, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21: W $\frac{1}{2}$;
Sec. 33: E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$.
T. 33 S., R. 11 W.,
Sec. 9: Lots 1, 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

PUBLIC LANDS

T. 32 S., R. 10 W.,
Sec. 4: W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5: N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6: SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7: Lots 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 8: NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9: NW $\frac{1}{4}$;
Sec. 17: N $\frac{1}{2}$;
Sec. 18: W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.
T. 32 S., R. 11 W.,
Sec. 12: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 13: NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 14: E $\frac{1}{2}$;
Sec. 20: E $\frac{1}{2}$;
Sec. 21: W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22: S $\frac{1}{2}$;
Sec. 23: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24: N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 25: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26: N $\frac{1}{2}$;
Sec. 27: NE $\frac{1}{4}$;
Sec. 28: E $\frac{1}{2}$;
Sec. 32: E $\frac{1}{2}$;
Sec. 34: NW $\frac{1}{4}$.

T. 33 S., R. 11 W.,
Sec. 10: Lots 3, 4, SW $\frac{1}{4}$.

Copies of the project's K map exhibit (FPC No. 2217-6) have been transmitted

to the Bureau of Land Management, Forest Service, and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4862; Filed, May 31, 1960;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13489 etc.; FCC 60M-883]

ALEXANDRIA BROADCASTING CORP. (KXRA) ET AL.

Order for Prehearing Conference

In re applications of Alexandria Broadcasting Corporation (KXRA), Alexandria, Minnesota, Docket No. 13489, File No. BP-12287; Clifford L. Hedberg, tr/as Western Minnesota Broadcasting Co. (KMRS), Morris, Minnesota, Docket No. 13499, File No. BP-12347; KISD, Inc. (KISD), Sioux Falls, South Dakota, Docket No. 13500, File No. BP-13366; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Friday, June 3, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the Rules.

It is so ordered, This the 20th day of May 1960.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4896; Filed, May 31, 1960;
8:48 a.m.]

[Docket Nos. 13381, 13439; FCC 60M-881]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, regulations and charges for components of a distinctive tone and circuit assurance arrangement, Docket No. 13381; American Telephone and Telegraph Company, et al., regulations and charges for certain equipment on an 82-B-1 type relay system for use in connection with private line teletypewriter service, Docket, No. 13439.

Pursuant to agreement of counsel, arrived at during the prehearing conference held on this date, the direct evidence in this case will be presented in writing.

It was further agreed and it is so ordered, This 19th day of May 1960, that the following schedule of dates shall govern:

Direct cases will be exchanged on July 20, 1960.

Request for additional data, if any, will be made on August 3, 1960.

A statement as to any data which will not be submitted voluntarily will be served on other parties on August 10, 1960.

A further prehearing conference will be held on September 1, 1960, at 10 a.m.

Any additional data which has been requested will be furnished on or before September 7, 1960.

It is further ordered, That the hearing in this proceeding will commence on September 21, 1960, at 10 a.m., in Washington, D.C.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4897; Filed, May 31, 1960;
8:48 a.m.]

[Docket No. 13514; FCC 60M-903]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, regulations and charges for switching and selecting equipment (common user group and dual facility arrangements) for use with channels of telephone grade furnished for the remote operation of mobile radio-telephone systems, Docket No. 13514.

It is ordered, This 24th day of May 1960, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 5, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4898; Filed, May 31, 1960;
8:48 a.m.]

[Docket No. 12264 etc.; FCC 60M-909]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

Statement and Order After Prehearing Conference

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP-11001; W. H. Firmin, J. H. Firmin and Bernard Lurie, d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12266, File No. BP-11621; Donze Enterprises, Incorporated (KSGM), Chester, Illinois, Docket No. 13059, File No. BP-11456; for construction permits.

1. A prehearing conference today was attended by counsel for applicants Hirsch and Donze; respondents WAVE, Radio Indianapolis (WXIW), and KXJK; and the Broadcast Bureau. On March 9, 1960, counsel for applicant Firmin had withdrawn their appearance. No substitute appearance was filed for Firmin, nor was it represented at today's

session. Since the preparation of the other parties would be materially affected by the participation of Firmin, and the absence of its representative made it impossible to determine its position, in accordance with his authority to regulate the course of the hearing (Rule 1.144(f)) the Hearing Examiner held Firmin in default, a ruling which is here again noted and confirmed. He permitted counsel for WAVE and Radio Indianapolis, interested solely in the Firmin application, to leave the hearing room; it was understood, however, that they were not withdrawing from the proceeding, and that their future participation was dependent on the treatment of Firmin's application. While Firmin's application was not denied for default, since such action would be premature at this point, its continued failure to participate can obviously lead only to that result.

2. Because the issues do not appear in a single order, it was necessary to correlate the various orders of designation and determine the applicable issues. They are as follows:

As to Hirsch:

Order released December 16, 1957: Issues No. 1, 7, and 9.

Memorandum Opinion and Order released October 16, 1958: Issue No. 12.

Order released August 10, 1959: Issues No. 2, 3, 4, 10, and 12.

As to Donze:

Order released August 10, 1959: Issues No. 2, 3, 4, 8, 10, and 12.

3. It was agreed, among other things, that the direct affirmative cases of the applicants would be in written form. The following timetable was agreed to:

a. Exchange of written cases—By July 8, 1960.

b. Notice of witnesses desired for cross-examination—By July 19, 1960.

c. Hearing—Tuesday, July 26, 1960, at 10 a.m.

So ordered, This 25th day of May, 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4899; Filed, May 31, 1960;
8:48 a.m.]

[Docket Nos. 13518-13521; FCC 60M-905]

HUB CITY BROADCASTING CO. (WHSY) ET AL.

Order Scheduling Hearing

In re applications of Hub City Broadcasting Company, Inc. (WHSY), Hattiesburg, Mississippi, Docket No. 13518, File No. BP-12170; Veterans Broadcasting Company, a partnership composed of Max H. Jacobs, Douglas B. Hicks, Bailey Swenson, Leon Green and David H. Morris (KNUZ), Houston, Texas, Docket No. 13519, File No. BP-12179; Price Broadcasting Corporation, Inc., Fairhope, Alabama, Docket No. 13520, File No. BP-12654; Radio New Orleans, Inc. (WJBW), New Orleans, Louisiana,

Docket No. 13521, File No. BP-12940; for construction permits.

It is ordered, This 24th day of May 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4900; Filed, May 31, 1960;
8:48 a.m.]

[Docket No. 13410; FCC 60M-900]

IDAHO MICROWAVE, INC.

Order Continuing Hearing

In re applications of Idaho Microwave, Inc., Docket No. 13410: for construction permit for new fixed radio station at Kimport Peak, Idaho (KPL24), File No. 2672-C1-P-58; for construction permit for new fixed radio station at Rock Creek, Idaho (KPL25), File No. 2673-C1-P-58; for construction permit for new fixed radio station at Jerome, Idaho (KPL26), File No. 2674-C1-P-58.

The Hearing Examiner having under consideration a "Motion to Continue Date of Hearing" (the movant obviously has reference to a prehearing conference) filed on May 20, 1960, in the above-entitled matter by Idaho Microwave, Inc., and

It appearing that the aforesaid Motion requests the continuance of the prehearing conference now scheduled to take place on June 1, 1960, to a date later to be specified following the Commission's action on a "Petition for Reconsideration" directed toward a Commission Order, released May 2, 1960, and

It further appearing that all parties to the proceeding agree to the present Motion and that no objection to its granting will be filed, and

It further appearing that good cause for granting the said Motion has been shown,

It is ordered, This 24th day of May 1960, that the Motion is granted and that, accordingly, the prehearing conference now scheduled to take place on June 1, 1960, be continued without date, and

It is further ordered, On the Examiner's own motion, that the hearing in this matter now scheduled for June 15, 1960, be likewise continued without date.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4901; Filed, May 31, 1960;
8:48 a.m.]

[Docket No. 13490; FCC 60M-911]

IONIA BROADCASTING CO. (WION)

Order Scheduling Prehearing Conference

In re application of Monroe MacPherson, tr/as Ionia Broadcasting Company

(WION), Ionia, Michigan, Docket No. 13490, File No. BP-12445; for construction permit.

Upon verbal request of counsel for the Ionia Broadcasting Co.: *It is ordered*, This 25th day of May 1960, that the prehearing conference of this proceeding will be held Thursday, June 9, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4902; Filed, May 31, 1960;
8:48 a.m.]

[Docket No. 13512; FCC 60M-901]

VITO LOCHIRICO

Order Scheduling Hearing

In the matter of Vito Lochirico, P.O. Box 24, Gulf Shores, Alabama, Docket No. 13512; suspension of restricted radio-telephone operator permit.

It is ordered, This 24th day of May 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 15, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4903; Filed, May 31, 1960;
8:48 a.m.]

[Docket No. 13513; FCC 60M-902]

NATIONAL AMBULANCE & OXYGEN SERVICE, INC.

Order Scheduling Hearing

In the matter of National Ambulance & Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for Special Emergency Radio Station KED-379 should not be revoked, or, in the alternative, why a cease and desist order should not be issued.

It is ordered, This 24th day of May 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 14, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4904; Filed, May 31, 1960;
8:48 a.m.]

[Docket Nos. 13515-13517; FCC 60M-904]

PIONEER BROADCASTING CORP. (WOPI) ET AL.

Order Scheduling Hearing

In re applications of Pioneer Broadcasting Corp. (WOPI), Bristol, Tennessee,

see, Docket No. 13515, File No. BP-12262; WSTP, Incorporated (WSTP), Salisbury, North Carolina, Docket No. 13516, File No. BP-12328; Central Broadcasting Company, Valdese, North Carolina, Docket No. 13517, File No. BP-12650; for construction permits.

It is ordered, This 24th day of May 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4905; Filed, May 31, 1960;
8:48 a.m.]

[Docket Nos. 12991, 12992; FCC 60M-895]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Order Continuing Hearing

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

Upon oral request of counsel for Donald Jerome Lewis, and with the consent of all other parties; *It is ordered*, This 23d day of May 1960, that the exchange of exhibits presently scheduled for May 26, 1960, be, and the same is hereby, continued to June 24, 1960; and

That the hearing in the above entitled matter presently scheduled for June 14, 1960, be, and the same is hereby, continued to July 5, 1960.

Released: May 24, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4906; Filed, May 31, 1960;
8:48 a.m.]

[Docket Nos. 13473, 13474; FCC 60M-882]

TALIESIN BROADCASTING CO. AND DOUGLAS G. OVIATT & SON, INC.

Order Continuing Hearing

In re applications of Mary W. Carpenter tr/as The Taliesin Broadcasting Company, Cleveland, Ohio, Docket No. 13473, File No. BPH-2859; The Douglas G. Oviatt & Son, Inc., Cleveland, Ohio, Docket No. 13474, File No. BPH-2914; for construction permits.

Pursuant to agreements reached at the prehearing conference held May 20, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Tuesday, June 21, 1960, to Monday, July 18, 1960.

It is so ordered, This the 20th day of May 1960.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4907; Filed, May 31, 1960;
8:48 a.m.]

[Docket Nos. 12814, 13488; FCC 60M-890]

VOICE OF THE NEW SOUTH, INC., (WNSL) AND MID-AMERICA BROADCASTING CO., INC. (WGVM)

Order Setting Prehearing Conference

In re applications of Voice of the New South, Inc. (WNSL), Laurel, Mississippi, Docket No. 12814, File No. BP-11916; Mid-America Broadcasting Company, Inc. (WGVM), Greenville, Mississippi, Docket No. 13488, File No. BP-13245; for construction permits.

It is ordered, This 23d day of May 1960, on the Examiner's own motion, that all parties, or their counsel, who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference pursuant to the provisions of section 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9:30 a.m., Tuesday, June 7, 1960.

Released: May 24, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4908; Filed, May 31, 1960;
8:48 a.m.]

[Docket Nos. 13442-13444; FCC 60M-896]

WASHINGTON STATE UNIVERSITY AND THE FIRST PRESBYTERIAN CHURCH OF SEATTLE, WASHINGTON

Order Continuing Hearing

In re applications of Washington State University, Pullman, Washington, for renewal of license of station KWSC (& Aux.), Docket No. 13442, File No. BR-58, and for modification of license of station KWSC, Docket No. 13443, File No. BML-1789; The First Presbyterian Church of Seattle, Washington, Seattle, Washington, Docket No. 13444, File No. BR-64, for renewal of license of station KWT.

A prehearing conference in the above-captioned matter having been held on May 13, 1960, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order;

It is ordered, This 23d day of May 1960, that the following schedule shall govern:

(1) Exchange of preliminary drafts of the applicants' engineering exhibits on or before June 15, 1960;

(2) Final exchange of sworn engineering and lay exhibits by July 8, 1960, with copies thereof to the Hearing Examiner;

(3) Hearing to commence on July 20, 1960;

It is further ordered, That the hearing presently scheduled herein to commence on June 15, 1960, is continued to July 20, 1960, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: May 24, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4910; Filed, May 31, 1960;
8:48 a.m.]

[Docket No. 13414; FCC 60M-888]

**WDUL TELEVISION CORP.
(WHYZ-TV)**

Order Continuing Hearing

In re application of WDUL Television Corp. (WHYZ-TV), Duluth, Minnesota, Docket No. 13414, File No. BMPCT-5375; for modification of construction permit.

Pursuant to discussion at today's prehearing conference, it is ordered, This 23d day of May 1960, that the hearing now scheduled for June 6 is continued to Monday, July 18, 1960, at 10 a.m., and that a further prehearing conference is scheduled for Wednesday, July 6, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4909; Filed, May 31, 1960;
8:48 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

[Notice 321]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

MAY 26, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63233. By order of May 25, 1960, the Transfer Board approved the transfer to Dignan Trucking Inc., Tallmadge, Ohio, of the operating rights set forth in Certificate No. MC 119523, issued by the Commission April 19, 1960, to Ernie Gable, Akron, Ohio, authorizing

the transportation, over irregular routes, of ground clay and clay products, from Empire, Ohio, to points in a described portion of Pennsylvania, from points in Beaver (except Fallston) Armstrong, and Jefferson Counties, Pa., to points in a described portion of Ohio, and clay products, from seven specified towns in Ohio to points in described portions of Pennsylvania and West Virginia, and from Bradford and Fallston, Pa., to points in Ohio. Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, for applicants.

No. MC-FC 63260. By order of May 25, 1960, the Transfer Board approved the transfer to Alfred Brown and Sylvia J. Brown, a partnership, doing business as Brown and Brown, Atmore, Alabama, of Certificate in No. MC 116994, issued May 21, 1958, to Keel H. Brown and Alfred Brown, a partnership, doing business as Brown & Brown, Atmore, Alabama, authorizing the transportation of: Passengers and their baggage, between Frisco City, Ala., and the plant site of Chemstrand Corporation (near Gonzalez, Fla.), serving all intermediate points in Alabama. J. Douglas Harris, Attorney, 413-414 Bell Building, Montgomery, Ala., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-4882; Filed, May 31, 1960;
8:46 a.m.]

[Docket 33440]

**PETITION FOR INSTITUTION OF AN
INVESTIGATION AND FOR OTHER
RELIEF**

MAY 24, 1960.

Petitioners: Brotherhood of Locomotive Firemen and Enginemen, Keith Building, Cleveland 15, Colo. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland 14, Ohio. Brotherhood of Railroad Trainmen, Standard Building, Cleveland 13, Ohio. Order of Railway Conductors and Brakemen, ORC & B Building, Cedar Rapids, Iowa. Switchmen's Union of North America, 3 Linwood Avenue, Buffalo 2, N.Y. By a petition filed May 11, 1960, petitioners pray that the Interstate Commerce Commission in response to the petition, upon its own motion, or otherwise inaugurate a general investigation of the transportation by motor vehicle of petroleum, petroleum products and similar dangerous inflammable liquids, and of the frequency, causes and results of collisions between such vehicles and railroad trains.

Petitioners state that the principal object of such investigation should be the determination of what rules, regulations, facilities or other actions are feasible and necessary to prevent such collisions. A further request is that the Commission invite the cooperation, recommendations, participation and other assistance of states, Federal agencies and private organizations and officers and officials thereof having any interest in the subject matter.

Any person or persons desiring to participate in this matter may file representations supporting or opposing the

relief sought within 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-4883; Filed, May 31, 1960;
8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 117]

READING CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, because the coal dumping pier located on the Reading Company at Port Reading, New Jersey, is inoperative the Reading Company is unable to dump carload coal or slag now on hand at Port Reading or enroute to Port Reading.

It is ordered, That:

(a) Rerouting of traffic: The Reading Company is hereby authorized to reroute or divert carloads of anthracite and bituminous coal or slag, now on hand at Port Reading or enroute to Port Reading, to the coal dumping piers of The Central Railroad Company of New Jersey at Jersey City, New Jersey, or to any other coal dumping pier in New York Harbor or for all rail delivery in New York Harbor where practicable. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., May 24, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., June 24, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 24, 1960.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-4884; Filed, May 31, 1960;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4842]

DEADLY GAME CO.

Order Vacating Order of Suspension

MAY 25, 1960.

In the matter of Wilkes-Manchester Productions and Emil Coleman as "The Deadly Game Company"; File No. 24NY-4842.

Wilkes-Manchester Productions and Emil Coleman as "The Deadly Game Company" (Issuer), a limited partnership organized under the laws of the State of New York, filed with the Commission on April 8, 1959 a notification on Form 1-A and an offering circular relating to a proposed public offering of pre-formation limited partnership interests in units of \$2,000 for an aggregate amount of \$100,000 with the provision for an involuntary overcall of 10 percent for an additional amount of \$10,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof and Regulation A promulgated thereunder.

The Commission on March 25, 1960 ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that a Form 2-A report of sales had not been filed as required by Rule 260.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report was filed reflecting that units in the amount of \$100,000 had been sold as of December 20, 1959 and that the play has been produced, presented and closed. No further offering is being made.

It appearing to the Commission that a hearing is not necessary or appropriate

in the public interest or for the protection of investors,

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and hereby is, vacated.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-4880; Filed, May 31, 1960;
8:46 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

MAY 25, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation; File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 26, 1960 to June 4, 1960, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-4917; Filed, May 31, 1960;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 2]

ALASKA

Small Tract Opening

1. Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands totaling 14.34 acres at Tok Junction, Alaska, as suitable for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

COPPER RIVER MERIDIAN

T. 18 N., R. 13 E.,
Section 19: Lots 88, 89, 90, 91, 93, 94.
U.S. Survey 2787: Lots 1, 2, 3, 4, 5, 6.

Containing 14.34 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located on the south side of the Alaska Highway approximately one-fourth mile east of the junction of the Alaska Highway and the Glenn Highway near the community of Tok Junction, Alaska. The topography is generally flat. Culinary water is not available from any presently developed source. A school, church, and stores, plus other public facilities, are available in Tok Junction. Soils are of shallow depth underlain with a thick gravel deposit. The native vegetation consists of a mixture of cottonwood and spruce beneath which is a dense growth of tundra type mosses and berry bushes. There is no evidence of metallic or nonmetallic minerals.

4. Each tract of land offered will consist of two lots and have a total acreage of 2.39 acres as shown below. A plat of survey showing the location and dimensions of each lot can be secured for \$1.00 from the Manager, Land Office, 516 Second Avenue, Fairbanks, Alaska. The appraised value of each tract, consisting of two lots, is \$800 per tract as shown below. An easement, 150 feet in width, for highway purposes, will extend along the northern boundary of each tract as shown below. All minerals in the lands will be reserved to the United States.

T. 18 N., R. 13 E., C.R.M.

U.S.S. 2787 + Sec. 19	Total acreage	Advance rental 2 years	Easement width location	Appraised value
Lot 1 + Lot 88.....	2.39	\$80.00	150' N. boundary.....	\$800.00
Lot 2 + Lot 89.....	2.39	80.00	150' N. boundary.....	800.00
Lot 3 + Lot 90.....	2.39	80.00	150' N. boundary.....	800.00
Lot 4 + Lot 91.....	2.39	80.00	150' N. boundary.....	800.00
Lot 5 + Lot 93.....	2.39	80.00	150' N. boundary.....	800.00
Lot 6 + Lot 94.....	2.39	80.00	150' N. boundary.....	800.00

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above provided that during the period of their leases they construct the improvements specified in paragraph 7. Leases will be renewable at the discretion of the Bureau of Land Management, and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of the renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation and construction requirements of local ordinances and must in addition meet the following standards:

In the case of a residence site, the improvements will have a minimum exterior dimension of 12 feet by 16 feet, a permanent foundation, at least one door and one window and will be sufficiently well-constructed and insulated so that permanent year around residence would be feasible. Sanitary facilities must be provided (enclosed outhouse with pit or chemical toilet with disposal pit are acceptable). Improvements must be neat and sightly, and the lands leased shall not be permitted to become covered with building waste, trash, or other debris.

In the case of a business site, the improvements will be substantial construction suitable for the use for which the lease is issued. The structure must be constructed with standard materials in accordance with standard practices and supported on foundation, piers, footings, or posts and provided with permanent windows and doors. The structure must be permanently affixed to the ground and provisions made for an adequate water supply and sewage disposal facilities as necessary in the proper conduct of the business. Where sanitary and sewage disposal facilities are necessary in the proper conduct of the business, they must be in accordance with the requirements set forth above pertaining to residence sites. At the time of application to purchase, the lessee will be required to show that he is engaged in the operation of a legitimate commercial business considered prudent under usual business practices.

In all cases, a permit must be obtained from the local Bureau of Public Roads representative before a driveway is constructed from the highway to the lot.

8. The lands are now open to filing of drawing cards, Form 4-775b. Drawing

cards are available upon request from the Manager, Land Office, 516 Second Avenue, Fairbanks, Alaska. Requests for drawing cards should refer to "Classification No. 2", and should be accompanied by a stamped self-addressed return envelope to facilitate mailing of the cards.

Drawing cards will be accepted if filled out in compliance with the instructions on the form and filed with the above named official by 10:00 a.m. on June 30, 1960. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants complying with the instructions on the drawing cards and in this classification order will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return and as to payment of fees and rentals.

Any tracts remaining untaken or unleased after the drawing will be open to the filing of applications on a first come, first served, basis beginning at 10:00 a.m., on June 30, 1960. All persons are warned that the \$10.00 service fee will be retained by the Government in connection with all applications filed after that date.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, 516 Second Avenue, Fairbanks, Alaska.

RICHARD L. QUINTUS,
Operations Supervisor.

MAY 24, 1960.

[F.R. Doc. 60-4885; Filed, May 31, 1960;
8:47 a.m.]

[Classification 57; Amdt. 1]

ALASKA

Small Tract Classification

MAY 24, 1960.

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), Small Tract Classification Order Number 57 is hereby amended as follows:

The classification of Lot 20, U.S. Survey 2775 for homesite purposes is hereby amended to a classification for business site purposes. This amendment will take effect immediately.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F.R. Doc. 60-4886; Filed, May 31, 1960;
8:47 a.m.]

[Classification 129 (Alaska No. 1) Amdt. 1]

ALASKA

Small Tract Classification

MAY 24, 1960.

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), Small Tract Classification Order Number 129 (Alaska Number 1) is hereby amended as follows:

The classification of Lot 5, U.S. Survey 2723, for home, cabin, camp, recreational, and business site purposes is hereby amended to residence and business site purposes. This amendment will take effect immediately.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F.R. Doc. 60-4887; Filed, May 31, 1960;
8:47 a.m.]

ALASKA

Nenana Townsite; Notice of Sale

MAY 20, 1960.

Notice is hereby given that there will be offered at public sale to the highest bidder at 12:00 noon on June 27, 1960 in the Nenana Civic Center, Nenana, Alaska, the lots or blocks listed at the end of this notice. These tracts will not be sold for less than the appraised price. No bid exceeding that amount will be accepted unless made in increments of \$25.00. Bids may be offered by all who may care to do so, and when there will be no further offers, the lots or blocks will be declared sold to the last and highest bidder.

Full payment may be made in cash, postal money order, or bank draft at the date of sale. On all bids, a minimum of \$100 will be required at time of sale. The balance must be paid to the Manager, Fairbanks Land Office, within three months from date of sale. If any person who has made partial payment for a tract fails to make succeeding payment, the money theretofore paid and his rights to the tract will be forfeited.

The officer conducting the sale is authorized to reject any and all bids, to suspend, adjourn or postpone the sale of the lots or blocks and to reappraise them at the time of sale or after the sale has been adjourned or closed. If they remain unsold, they may be sold at private entry for the appraised price. Tracts, the rights to which have been declared forfeited for nonpayment of the succeeding installment, or for any other reason, shall be subject to private entry at the appraised price. All persons are warned against violation of the provisions of 18 U.S.C. 1860, prohibiting unlawful combinations or intimidation of bidders.

Following are the lots or blocks being offered for sale, the area embraced by each, and the minimum acceptable bids for these tracts:

BLOCK 38

Lot		
9	7,000 square feet.....	\$200.00
10	7,000 square feet.....	200.00
11	7,000 square feet.....	200.00
12	7,000 square feet.....	200.00
13	7,000 square feet.....	200.00
14	7,000 square feet.....	200.00
15	7,000 square feet.....	200.00
16	7,000 square feet.....	200.00

BLOCK 39

Lot		
1	7,000 square feet.....	\$150.00
2	7,000 square feet.....	150.00
3	7,000 square feet.....	150.00
4	7,000 square feet.....	150.00
5	7,000 square feet.....	150.00
6	7,000 square feet.....	150.00
12	7,000 square feet.....	150.00

Block 39—Continued

Lot		
13	7,000 square feet.....	\$150.00
14	7,000 square feet.....	150.00
15	7,000 square feet.....	150.00
16	7,000 square feet.....	150.00

Block 40

Lot		
1	7,000 square feet.....	\$150.00
2	7,000 square feet.....	150.00
3	7,000 square feet.....	150.00
4	7,000 square feet.....	150.00
5	7,000 square feet.....	150.00
6	7,000 square feet.....	150.00
7	7,000 square feet.....	150.00
8	7,000 square feet.....	150.00
9	7,000 square feet.....	150.00
10	7,000 square feet.....	150.00
11	7,000 square feet.....	150.00
12	7,000 square feet.....	150.00
13	7,000 square feet.....	150.00
14	7,000 square feet.....	150.00
15	7,000 square feet.....	150.00
16	7,000 square feet.....	150.00

Block 41

Lot		
1	8,204 square feet.....	\$150.00
2	7,000 square feet.....	150.00
3	7,000 square feet.....	150.00
4	7,000 square feet.....	150.00
5	7,000 square feet.....	150.00
6	7,000 square feet.....	150.00
8	7,000 square feet.....	150.00
9	7,000 square feet.....	150.00
10	7,000 square feet.....	150.00
11	7,000 square feet.....	150.00
12	7,000 square feet.....	150.00
14	7,000 square feet.....	150.00
15	7,000 square feet.....	150.00
16	7,000 square feet.....	150.00
17	7,000 square feet.....	150.00
18	8,239 square feet.....	150.00

Block 42

Lot		
1	8,282 square feet.....	\$150.00
2	7,000 square feet.....	150.00
3	7,000 square feet.....	150.00
4	7,000 square feet.....	150.00
5	7,000 square feet.....	150.00
6	7,000 square feet.....	150.00
7	7,000 square feet.....	150.00
8	7,000 square feet.....	150.00
9	7,000 square feet.....	150.00
10	5,000 square feet.....	125.00
11	5,000 square feet.....	125.00
12	5,000 square feet.....	125.00
13	5,000 square feet.....	125.00
14	5,000 square feet.....	125.00
15	5,000 square feet.....	125.00
16	5,000 square feet.....	125.00
17	5,000 square feet.....	125.00
18	5,935 square feet.....	125.00

Block 43

Lot		
1	7,000 square feet.....	\$150.00
2	7,000 square feet.....	150.00
3	7,000 square feet.....	150.00
4	7,000 square feet.....	150.00
5	7,000 square feet.....	150.00
6	7,000 square feet.....	150.00
7	7,000 square feet.....	150.00
8	7,000 square feet.....	150.00
9	5,000 square feet.....	125.00
10	5,000 square feet.....	125.00
11	5,000 square feet.....	125.00
12	5,000 square feet.....	125.00
13	5,000 square feet.....	125.00
14	5,000 square feet.....	125.00
15	5,000 square feet.....	125.00
16	5,000 square feet.....	125.00

Block 44

Lot		
1	7,000 square feet.....	\$150.00
2	7,000 square feet.....	150.00
3	7,000 square feet.....	150.00
4	7,000 square feet.....	150.00

Block 44—Continued

Lot		
5	7,000 square feet.....	\$150.00
6	7,000 square feet.....	150.00
7	7,000 square feet.....	150.00
8	7,000 square feet.....	150.00
9	5,000 square feet.....	125.00
10	5,000 square feet.....	125.00
11	5,000 square feet.....	125.00
12	5,000 square feet.....	125.00
13	5,000 square feet.....	125.00
14	5,000 square feet.....	125.00
15	5,000 square feet.....	125.00
16	5,000 square feet.....	125.00

Block 45

Lot		
1	7,000 square feet.....	\$200.00
2	7,000 square feet.....	200.00
3	7,000 square feet.....	200.00
4	7,000 square feet.....	200.00
5	7,000 square feet.....	200.00
9	5,000 square feet.....	175.00
11	5,000 square feet.....	175.00
12	5,000 square feet.....	175.00
13	5,000 square feet.....	175.00
14	5,000 square feet.....	175.00
15	5,000 square feet.....	175.00
16	5,000 square feet.....	175.00

Block 66

12.24 acres.....	\$375.00
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Block 101

37.64 acres.....	\$375.00
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Block 102

20.52 acres.....	\$200.00
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RICHARD L. QUINTUS,
Superintendent of Sales, Alas-
ka Railroad Townsites, Fair-
banks Land District.

[F.R. Doc. 60-4915; Filed, May 31, 1960;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

Designation of Area for Production
Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Conway. Johnson.
Faulkner. Pope.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of May 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-4912; Filed, May 31, 1960;
8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT
CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 5-11-60 to 5-10-61. Learners may not be engaged at special minimum wage rates in the production of separate skirts and/or lined jackets (women's dresses and sportswear).

Brunswick Manufacturing Co., Goodyear Park, Brunswick, Ga.; effective 5-8-60 to 5-5-61 (children's and ladies' jackets, car coats).

Cluett, Peabody & Co., Inc., 433-471 River Street, Troy, N.Y.; effective 5-21-60 to 5-20-61 (dress shirts).

Elsing Manufacturing Co., South on Highway 69, McAlester, Okla.; effective 5-12-60 to 5-11-61. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's sportswear, dresses and blouses).

Fleetwood Shirt Corp., 26 East Locust Street, Fleetwood, Pa.; effective 5-16-60 to 5-15-61 (men's and women's shirts).

Griffin Garment, 123 Experiment Street, Griffin, Ga.; effective 5-16-60 to 5-15-61 (brassieres and girdles).

The H. D. Lee Co., Inc., 405 East Madison Street, South Bend, Ind.; effective 5-15-60 to 5-14-61 (men's work clothing).

Kar-Lyn, Inc., 162 Cox Avenue, Asheville, N.C.; effective 5-4-60 to 5-3-61 (boys' clothes).

W. Kotkes and Son, Inc. (Wilko Uniform Co.), 1305 Main Street, Lynchburg, Va.; effective 5-2-60 to 5-1-61 (women's, nurses' and maids' uniforms).

Lee-Mar Shirt Co., Inc., Pulaski, Tenn.; effective 5-13-60 to 5-12-61 (boys' sport shirts).

Metter Manufacturing Co., Metter, Ga.; effective 5-9-60 to 5-8-61 (ladies' blouses).

Monroe Garment Co., Southerland Avenue, Monroe, N.C.; effective 5-14-60 to 5-13-61 (men's cotton work shirts).

Oberman Manufacturing Co., Valdosta, Ga.; effective 5-27-60 to 5-28-61 (men's and boys' dungarees).

Opp Textiles, Inc., Opp, Ala.; effective 5-12-60 to 5-11-61 (hunting clothes; men's work clothes; miscellaneous outerwear).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5-21-60 to 5-20-61 (men's and boys' sport shirts).

Pittston Apparel Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 5-4-60 to 5-3-61 (ladies' brassieres and girdles).
Rappahannock Manufacturing Co., Inc., Airport Avenue, Fredericksburg, Va.; effective 5-15-60 to 5-14-61 (men's dress trousers).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5-18-60 to 5-17-61 (misses' and junior cotton dresses).

Reliance Manufacturing Co., Factory No. 43, Adams Commercial, Lebanon, Mo.; effective 5-5-60 to 5-4-61 (men's and boys' work clothing and leisure wear).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa.; effective 5-23-60 to 5-22-61 (men's trousers).

Southeastern Shirt Corp., 110 North Indiana Avenue, LaFollette, Tenn.; effective 5-4-60 to 5-3-61 (men's dress and sport shirts—woven material).

Stein-Way Clothing Co., Inc., 711 West Walnut Street, Johnson City, Tenn.; effective 5-4-60 to 5-3-61 (men's and boys' trousers and shorts).

Sweet-Orr and Co., Inc., Dawsonville, Ga.; effective 5-24-60 to 5-23-61 (boys' uniform shirts).

Trimble Manufacturing Corp., Trimble, Tenn.; effective 5-3-60 to 5-2-61 (sport jackets).

Twin Cities Manufacturing Co., Inc., White Hall, Ill.; effective 5-10-60 to 5-9-61 (women's dresses and sportswear).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; effective 5-25-60 to 5-24-61 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carol Ann Apparel Corp., Municipal Building, Cherry Tree, Pa.; effective 5-18-60 to 5-15-61; five learners (women's dresses).

Huntsville Garment Co., Huntsville, Ark.; effective 5-6-60 to 5-5-61; 10 learners (men's laundry pants).

Irene Sportswear Co., Inc., Wyoming County, Nicholson, Pa.; effective 5-18-60 to 5-17-61; 10 learners (ladies' blouses).

Jeffs Garment Co., Inc., Hicks Street, Lawrenceville, Va.; effective 5-16-60 to 5-15-61; five learners (children's dresses).

Judy Lynn Frocks, Inc., 322 South Juniata Street, Mifflin, Pa.; effective 5-6-60 to 5-5-61; 10 learners (ladies' and children's cotton dresses).

Gaspar LaFata and Co., 14 Bush Avenue, Staten Island, N.Y.; effective 5-10-60 to 11-9-60; five learners (boys' pants).

Normandy Dress Co., 700 South Madison, Bay City, Mich.; effective 5-22-60 to 5-21-61; 10 learners (ladies' cotton dresses).

Panther Valley Dress Co., Inc., 114 East Kline Avenue, Lansford, Pa.; effective 5-2-60 to 5-1-61; five learners (children's dresses).

The Roswell Co., Alpharetta Division, Alpharetta, Ga.; effective 5-19-60 to 5-18-61; 10 learners (men's work trousers).

Sanford Manufacturers, Inc., 918 West First Street, Sanford, Fla.; effective 5-29-60 to 5-28-61; 10 learners (men's and boys' pajamas and sportswear).

Style-Mac Corp., Southerland Avenue, Monroe, N.C.; effective 5-12-60 to 5-11-61; 10 learners (boys' cotton pants).

Susan Garment, Inc., Berks County, Bethel, Pa.; effective 5-8-60 to 5-5-61; 10 learners (ladies' blouses, dresses and dusters).

Tru-fit Trousers, Traverse City, Mich.; effective 5-18-60 to 5-17-61; 10 learners (single pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Glendale Manufacturing Corp., 26 Glendale Avenue, Biltmore, N.C.; effective 5-6-60 to 11-5-60; 20 learners (ladies' cotton pajamas and gowns).

Meyers & Son Manufacturing Co., Inc., New Castle, Ky.; effective 5-16-60 to 11-15-60; 40 learners (men's one piece wash suits).

Ringer Staples Co., Staples, Minn.; effective 5-16-60 to 11-15-60; 20 learners (sportswear, jackets, parkas and car coats).

Selro Manufacturing Co., 113 Gay Street, 115 Race Street, Washington Street Extended, Cambridge, Md.; effective 5-11-60 to 11-10-60; 45 learners (women's sportswear).

Sweet-Orr and Co., Inc., Dawsonville, Ga.; effective 5-24-60 to 11-23-60; 45 learners (boys' uniform shirts).

Tallassee Manufacturing Co., Tallassee, Ala.; effective 5-4-60 to 11-3-60; 10 learners (women's dusters, shorts, etc.; children's shorts, pedal pushers, etc.).

Tompkinsville Garment Co., Tompkinsville, Ky.; effective 5-6-60 to 11-5-60; 15 learners (men's, women's and children's dungarees; men's trousers).

Tru-fit Trousers, Traverse City, Mich.; effective 5-10-60 to 11-9-60; 40 learners (single pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

N. Churchill Manufacturing Co., Inc., 544 North Pearl Street, Centralia, Wash.; effective 5-25-60 to 5-24-61; 10 learners for normal labor turnover purposes (work gloves).

Fairfield Glove Co., 603-607 West Stone Street, Fairfield, Iowa; effective 5-16-60 to 5-15-61; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Glenwood, Ark.; effective 5-11-60 to 5-10-61; 10 learners for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind.; effective 5-5-60 to 5-4-61; 10 learners for normal labor turnover purposes (leather and cotton combination work gloves).

Rlegel Textile Corp., Glove Division, Concord, N.C.; effective 5-28-60 to 5-27-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 5-6-60 to 5-5-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 5-6-60 to 11-5-60; 15 learners for plant expansion poses (full-fashioned and circular knit).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 5-10-60 to 5-9-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and circular knit).

Harper Hosiery Mills, Inc., Concord, N.C.; effective 5-5-60 to 5-4-61; five learners for normal labor turnover purposes (ladies' seamless).

Tower Hosiery Mills, Inc., 110 Broad Street, Burlington, N.C.; effective 5-4-60 to 5-3-61; 5 percent of the total number of factory pro-

duction workers for normal labor turnover purposes (ladies' full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brown Century Corp., Lake Village, Ark.; effective 5-16-60 to 11-15-60; 50 learners for plant expansion purposes (men's and boys' knitted underwear).

Glory Knitting Mills, Inc., Robeson, Pa.; effective 5-6-60 to 5-5-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters).

Movie Star of Purvis, Miss.; effective 5-9-60 to 5-8-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, etc.).

Quitman Knitting Mills, Inc., Quitman, Miss.; effective 5-9-60 to 5-8-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's underwear and sleepwear).

Quitman Knitting Mills, Inc., Quitman, Miss.; effective 5-16-60 to 11-15-60; 35 learners for plant expansion purposes (children's knitted sleepwear and underwear).

Warrenton Manufacturing Co., Elsberry, Mo.; effective 5-6-60 to 11-5-60; 50 learners for plant expansion purposes (slips, half-slips, sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Palm Beach Co., Talladega, Ala.; effective 5-2-60 to 11-1-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's summer wash pants, suit pants and shorts).

Henry L. Siegel Co., Inc., Men's and Boys' Vest Department, Gleason, Tenn.; effective 5-5-60 to 11-4-60; 70 learners for plant expansion purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's and boys' vests).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 5-11-60 to 11-10-60; four learners for normal labor turnover purposes in the occupations of embroidery machine operator and sewing machine operator, each for a learning period of 320 hours at the rates of at least 90 cents an hour for the first 160 hours and 95 cents an hour for the remaining 160 hours (industrial uniforms).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Beatrice Needle Craft, Inc., Ponce, P.R.; effective 5-5-60 to 5-4-61; 25 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres and girdles).

Beatrice Needle Craft, Inc., Malecon Road Plant, Mayaguez, P.R.; effective 4-23-60 to

4-22-61; 20 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Caribe Crown Cap Corp., 37 San Patricio Avenue, Reparto Metropolitano, Rio Piedras, P.R.; effective 5-2-60 to 11-1-60; nine learners for plant expansion purposes in the occupations of press operators, Nagy assembly machine operators, Sacmi spot machine operators, and disc cutter operators, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (crown caps).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 4-22-60 to 4-21-61; 15 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

E. M. T. Fittings Co., Inc., Dorado, P.R.; effective 5-2-60 to 11-1-60; 12 learners for plant expansion purposes in the occupations of die cast machine operators, machine operators, and assemblers, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (electrical conduit fittings).

General Electric Instrument Corp., Caguas, P.R.; effective 5-2-60 to 11-1-60; 49 learners for plant expansion purposes in the occupations of sub-assembly and final assembly of small panel instruments, exposure meters, small portable instruments, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90

cents an hour for the remaining 240 hours (electric instruments).

General Electric Instrument Corp., Caguas, P.R.; effective 5-2-60 to 5-1-61; 24 learners for normal labor turnover purposes in the occupations of sub-assembly and final assembly of small panel instruments, exposure meters, small portable instruments, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

Jares Corp., Rio Piedras, P.R.; effective 4-27-60 to 4-26-61; five learners for normal labor turnover purposes in the occupations of quality control operations, soft soldering, metal stampings, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (components for aircraft engines).

Marbill Industries, Inc., Carretera No. 2, salida para Yauco, Sabana Grande, P.R.; effective 5-2-60 to 11-1-60; 20 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators, sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours; (3) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 53 cents an hour (slips, petticoats and sleepwear).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 5-2-60 to 5-1-61; 13 learners for normal labor turnover purposes in the

occupation of sewing machine operators for a learning period of 480 hours to be paid the special minimum wage rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours effective from May 2, 1960 to May 15, 1960; effective from May 16, 1960 the special minimum wage rates to be 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at sub-minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 19th day of May 1960.

ROBERT G. GRONEWALD,
*Authorized Representative of the
Administrator.*

[F.R. Doc. 60-4814; Filed, May 27, 1960;
8:46 a.m.]

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 900-959----- \$1.50
Title 42 (Revised)----- \$4.00

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Parts 210-399, Revised (\$4.00); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (\$8 1.01-1.499) (\$1.75); Parts 1 (\$ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); Title 43 (\$1.00); Title 46, Parts 1-145 (\$1.00); Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 47, Parts 1-29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

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